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May 19, Californians performed an inspiring exercise in popular self-government. The left, of course, is furious and at its wits' end — its usual position — its minions falling to threatening one another and snarling at the voters. The way is now open for real reform. The one thing still wanting is that good people step forward to supply the last critical component.

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CORRESPONDENCE

Media Malpractice

With reference to John Ziegler's film *Media Malpractice* ("Bias in the media?" by Eldon Quick, *CPR* March/April 2009), the 2008 elections may have achieved a new low in the vast expanse and smugness of major media bias, but, apart from the questions of degree and shamelessness, bias *per se* is as old as Big Journalism. A fair idea of integrity as understood within the major media ethical culture can be gleaned from a brief history of the often-repeated phrase about good journalism, that it "comforts the afflicted and afflicts the comfortable." Some people attribute its coining to Joseph Pulitzer or some other champion of journalistic knight errantry, but its true source is much more enlightening, not to mention entertaining.

It originated from the writings of late-19th/early 20th century Chicago-based author and humorist Finley Peter Dunne. A favorite Dunne character was Mr. Dooley: inhabitant of a South Side Chicago Irish pub who offered pointed commentary on issues and controversies of his day, delivered with a thick Irish brogue. "Th newspaper," Mr. Dooley said one day, "does ivrything f'r us. It runs th' polis foorce an' th' banks, commands th' milishy, controls th' ligislachure, baptizes th' young, marries th' foolish, comforts th' afflicted, afflicts th' comfortable, buries th' dead an' roasts thim aftherward." That hardly favorable review became, through the magic of major media alchemy, the descriptive quoted above of a noble calling — which so many have heard, and few have had explained to them, at least in terms of the point it was first uttered to make.

So, effortlessly, does major media journalism brush by exactly the sort of self-criticism it routinely urges on everyone else. Could so egregious a blind-spot about its own power and corruption fail to issue sooner or later in something like the 2008 Obama Big Media Juggernaut — especially given the extremely high stakes involved and the tidal wave of temptation to abuse its power that those stakes brought to the folks at ABC, NBC, CBS, the *Times* (both of New York and Los Angeles), and all the rest? Yes, the media liars are to blame, but too many Americans are 'way too trusting. Millions still go automatically to these preposterous sources, day and night, for their picture of reality. So what do you expect? To see the likes of Katie Couric or Keith Olbermann smarten up such chumps or give these suckers an even break? Not in this life, brother.

James R. McDonald
Temple City

See Eldon Quick's full interview with documentary film-maker John Ziegler, this issue of CPR, *page 31.*

— editor

Swing voters to help GOP next time?

Yes the tax-hike budget "deal" damaged the Republican "brand" (*Sacramento Spectator, CPR,* March/April 2009), but elections are more lost than won, meaning that Republicans mostly lost in 2008 (following the pattern they set themselves in the 2006 House races), especially John McCain, while the so-called "swing voters" grabbed at the only available way to tell the GOP to Go To Hell. This is cause for optimism, at least if you get optimistic at the prospect of Republican victories, because next time Democrats will be the Party to *lose* the election, with the GOP, barring something really amazing in the meantime, being the beneficiary — not due of its brand but because disgusted voters will use GOP votes to punish Democrats.

James R. McDonald
Temple City

CPR

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SACRAMENTO SPECTATOR

These are fascinating, though confusing times in your state's capitol. Fascinating not only because of the ongoing budget "kabuki," but also because apparently the Democrats have decided simply to ignore the unmistakable message from California voters of the May special election. Confusing because the governor has morphed yet again into what must be either Schwarzenegger 8.0 or a reversion to Schwarzenegger 1: the anti-tax, slash spending, shrink government warrior.

I could kill a forest analyzing it all, but for now let's just be thankful for small favors. He promises to veto tax increases and any budget that side-steps the two-thirds majority vote requirement for such increases. Two cheers for that, provided he isn't pulling his umpteenth Lucy-with-the-football con on us.

Legislative Republicans — at least for now — have, unlike their Donkey Party counterparts, heard the voters' message from May. Once again they are united against taxes, and even the most craven Quisling among them (yes, I'm talking about you, Senator Maldonado and Assemblyman Villines) are, so far, hanging tough. And as the governor will not be offering incentives for GOPers to defect to the Dark Side, it appears the GOP caucuses will present united fronts against tax increases.

Combine this with the governor's seeming determination to shut the state down before signing a budget *without* long-term structural fixes and *no* tax increase and — the final element — a national economic crisis that has become real, helped enormously by Washington, D.C.,-Democrats' power-drive for socialism. Some Sacramento Democrats reportedly have concluded that the money simply isn't there no matter how much taxes are raised.

These Democrats worry about their constituents' already bleak economic outlook — worry that another tax increase and/or more economy-crippling regulation will turn the voters' May anti-tax wrath into 2010 anti-Democrat electoral fury. In the meantime, the bad economy supplies enough Republican backbone to sustain the GOP mood of facing both policy and political reality. It could all lead to real reform: even real cuts in bloated state programs. Impossible? What was more impossible than that the Berlin Wall really would come down?

Of course, most Democrats would have to be dragged to such a *dénouement,* and some (along with their union allies) will never agree to real cuts, much less actual budget reforms. But facing the possibility of the state shutting down and a federal judge taking over (who could make unilateral cuts with *no* Democrat input), enough Democrats may get religion to do something right. (Meantime, the Republican Party has come up with footage, and put it into a powerful TV spot, of a typically huge public employee union "lobbyist" at a formal hearing calmly threatening legislators with "taking them out" if they pass anything the union dislikes. It provides a powerful image for voters.)

If Democrats hold firm on raising taxes, given the May election and the growing union image of overflowing greed and arrogance, voters might award them some down-time away from power to recall for whom they really work.

By the time you read this you will likely know who blinked, or whether a judge is running the state. Yes, confusing, but fascinating, times. But thanks to strong spirits' restorative effect, your *Spectator* will continue noshing, imbibing, and eavesdropping — at your service. Pass the mango daiquiris, if you please.

— *A.P.C.*

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Those in power over us

Blame 'shortage' on misguided resources policy

Yes, there is a drought, but droughts we have often had before. Why is water now *suddenly not available?*

M. DAVID STIRLING

A slightly different version of this article appeared in the Sacramento Bee, *June 14, 2009.*

THE QUESTION now arises: Is the record-setting, federally mandated reduction of Sacramento-San Joaquin Delta water exports to the Bay Area, the Central Valley, and as far south as San Diego the result of a third year of diminished precipitation in Northern California, or is it the result of political or man-made factors?

Even though the state has dealt with drought conditions for three years running, Californians are experiencing a water shortage created in large part by a powerful federal statute known as the Endangered Species Act.

For more than 30 years, the federal Central Valley Project and California's State Water Project have transported water from Northern California through the Delta to water users west and south of the Delta. At the south end of the Delta, near the community of Tracy, these projects operate large pumping stations that propel the water on its long journey.

More than 23 million Californians — two-thirds of the state's population — and tens of thousands of industrial and business users consume 70 percent of the transported water, while 30 percent goes to irrigate more than a million acres of farmland that make California the number one food producer in the country.

M. David Stirling is Of Counsel with Pacific Legal Foundation, a public interest legal organization that defends private property rights and advocates for balanced environmental regulation. PLF (www.pacificlegal.org) is representing several Central Valley farmers in a legal challenge to the ESA-mandated pumping cutbacks. Stirling is author of Green Gone Wild — Elevating Nature Above Human Rights, *Merrill Press, 2008.*

The projects — the world's largest water storage and delivery system — also generate hydroelectric power, improve water quality in the Delta, control flood waters, provide recreation, and enhance fish and wildlife.

Considering the enormousness of the critical tasks the water projects have performed for the state's population, which has increased 66 percent over more than

Comedian, political activist, and life-long Democrat Paul Rodriguez has emerged as a major figure demanding moe balanced policies on water and the ESA for California.

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three decades, it is remarkable that no notable malfunctions or lapses in performance have occurred. So reliable has been the projects' delivery of water to California households, businesses, and agriculture over those years that many recipients just assume that "water comes from the faucet."

And the state's periodic droughts have not significantly reduced the projects' water deliveries. For the most part, voluntary water conservation practices have been a sufficient response to diminished water supplies. Then what is so different about the current water shortage that it is having such serious economic and social impacts on agriculture-based Central Valley communities, as well as reduced Delta water deliveries to households and businesses in Bay Area and Southern California communities?

For the past 36 years, some environmentalists, or hardcore "greens," have used the heavy hand of the 1973 federal Endangered Species Act to elevate plant and wildlife species above the economic, social, and even physical needs and endeavors of people. This began in earnest with the first U.S. Supreme Court case testing the Endangered Species Act's scope and authority (*Tennessee Valley Authority v. Hill,* 1978). The court declared that by enacting the ESA, Congress intended to preserve listed species "whatever the cost."

While it is curiously troubling that the Supreme Court viewed a law like the Endangered Species Act as beyond challenge on costs to taxpayers, this court-created fiction about the inviolability of ESA continues as judicial precedent. As a result, the lower federal courts regard the ESA as a "super statute," enabling species preservation to trump human interests and endeavors in nearly all circumstances.

The vast majority of Americans know little, if anything, about this powerful "species-first, people-last" statute. While many relate to endearing images of charismatic species like the grizzly bear, the gray wolf mom with her pups, and the bald eagle, few understand that the ESA also puts people's interests below those of a maggot like the Delhi sands flower-loving fly, which delayed for more than a year the construction of a much-needed hospital in an economically depressed California community; an insect like the North Valley longhorn elderberry beetle, which enabled the 1997 deadly levee break on the Feather River; and a tiny fish like the Delta smelt.

The Delta smelt is a fragile fish about the size of a

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human adult's little finger. Despite years of work by federal and state wildlife agencies to determine the causes of, and to reverse, the Delta smelt's decline, little success has been achieved. Between 1973 and 1993, when the smelt was listed as "threatened" under the ESA, the tiny fish's population dropped tenfold. And now the Delta smelt's numbers remain precariously low. In a 2005 biological opinion, the U.S. Fish and Wildlife Service found several contributing factors in the Delta smelt's long decline, including the projects' pumps near Tracy that transport Delta water south. But the opinion also found that the pumps, while taking some smelt, were not killing so many as to cause the smelt's extinction.

As expected, the Natural Resources Defense Council and other environmental organizations challenged the Fish and Wildlife Service opinion in federal court, charging that the pumps were the prime culprit in the smelt's decline.

Mindful of the ESA's mandate to preserve listed species "whatever the cost," in late 2007, federal district Judge Oliver Wanger of Fresno ordered the state and federal pumps shut off whenever young smelt were in the vicinity. This ESA-driven ruling reduced Delta water exports through the pumps by 30 percent during 2008, caused an estimated hit to the state's economy of $300 million, and, according to the California Water Agencies, amounted to "the most drastic cut ever to California water ... the biggest impact anywhere, nationwide."

OBSCURING THE TRUE CULPRIT

This year, so much media attention has been focused on "the drought" that the ESA's heavy, ongoing impact has been obscured. While it is undeniable that the state is in the third year of a water shortage, according to the state Department of Water Resources Web site (as of March 20), rain and melting snow flowing into the San Joaquin and the Sacramento rivers' watersheds were nearly normal.

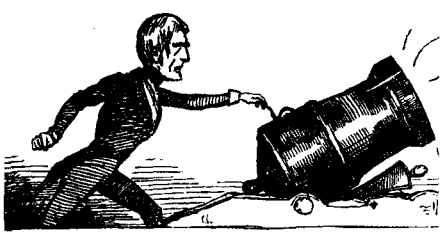
WHAT YOU HAVEN'T BEEN TOLD ABOUT GUN CONTROL

By SAM PAREDES

Our enemies hate freedom; that is what makes them enemies. They especially hate freedoms, like the right to keep and bear arms, that clearly empower free men to stand up for themselves. They throw every conceivable weapon, threat, and tactic into the fray, anything that might undermine our rights and our determination to defend them. They'll launch frontal assaults, while skirmishing at the fringes. They'll invoke "reason" and "humanity" to lull their victims into dropping their guards: let us end this pointless strife and rancor, they'll say, which always seems to mean *our* side giving in to *theirs.*

But no assault on freedom is too small to matter or to be firmly rebuked. Take state Senator Alan Lowenthal's SB 41, a bill requiring gun purchasers to sign a form, ostensibly to prove that *they* actually are the ones picking up the gun after the waiting period. Little enough to ask? Unfortunately, some gunowners seem to think so, but this bit of nosing the camel's snout under the edge of the tent is a phony from square one. After all, what's wrong with the signatures on the federal gun purchase form and the affidavit affirming that the gun dealer demonstrated gun safety?

Why *another* signature? Because casting gun buyers as potentially dangerous characters — just because they exercise a basic right — helps flip the moral scales on their heads. It's as if being free were intrinsically suspicious, a red flag — here is someone we must constantly monitor lest he pull some dishonest trick. You can't be too careful around these gun nuts. *It's a lie,* and complicity in lies about the moral equation between freedom and tyranny is always a retreat for freedom and advance for thuggery.



It loses us the moral high ground by accepting their false premises: first, that defending our rights is less important than keeping the peace and, second, that *we* are the troublesome ones, the problem that needs solving, when, in truth, no part of self-defense is ever wrong, just as no attack on human freedom is ever in any way right. Always recall Churchill's epigraph from his *History of the Second World War,* "In War: Resolution; In Defeat: Defiance; In Victory: Magnanimity; In Peace: Good Will." We're at war, the time for resolution. CPR

Sam Paredes is executive director of Gun Owners of California.

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Yet, instead of this water being released to the pumps for export for people's use, according to the San Luis and Delta-Mendota Water Authority, as of March 15, 255,802 acre-feet — beyond that required to prevent excessive salt-water intrusion from San Francisco Bay — were allowed to flow to the ocean to comply with the ESA-mandated Delta smelt ruling. This wasted water could have put 85,000 acres of farmland back into production, reduced the 40 percent unemployment rate in some Central Valley towns and softened the blow of water rationing in other areas. Since March, thousands of acre-feet of Delta water that could have been used by people below the pumps have continued to be wasted to the ocean — all in an effort to preserve the Delta smelt.

It has been accurately stated that the Endangered Species Act is unforgiving when a species is about to vanish. Yet that sentiment fails to recognize the need to balance preservation of species against human needs. On the one hand, the frail Delta smelt species has been in decline for more than 35 years and will likely become extinct from several causes no matter how much effort or funds are expended to preserve it. One factor alone, 260 invasive, or nonnative, species — some that prey directly on the Delta smelt and others that voraciously consume its food source — have proliferated in the Delta for several decades, and cannot be eliminated without killing other protected species and causing other environmental harms.

On the other hand, the ESA-mandated withholding of water to more than 23 million people for drinking, household, and business purposes, for irrigating much of California's annual $32 billion agricultural industry and the estimated loss of 80,000 Central Valley agriculture-related livelihoods, will lead to harsh health, economic, and social consequences.

And if these consequences were not dire enough, the National Marine Fisheries Service ruled this month that an additional 5 to 7 percent of Delta water exportable by the projects' pumps to people's use must be cut so that salmon and steelhead have better access to their spawning waters above the Nimbus, Folsom, Shasta, and New Melones dams.

No one feels good about any species declining toward extinction. But in emergency situations such as hurricanes, floods, wildfires, and yes, droughts, the needs and interests of people simply must take priority. The current California drought will end, but the draconian burdens imposed on people by the Endangered Species Act will continue. CPR

Brandon Middleton

The Law

California's government-caused Water Emergency

It's time to convene the federal 'God Squad' panel.

BRANDON M. MIDDLETON AND DAMIEN M. SCHIFF

THOUSANDS OF CALIFORNIANS are now suffering from a severe water shortage. Recently the Obama Administration added insult to these injuries. In June, the National Marine Fisheries Service issued an Endangered Species Act biological opinion on the effects that state and federal water projects have on Chinook salmon, steelhead, green sturgeon, and killer whales. The Service's decision puts these species well above humans on the totem pole and imposes drastic cutbacks in water deliveries to municipalities and farmers in the San Joaquin Valley and Southern California.

The Administration's decision could not come at a worse time. San Joaquin Valley communities are al-

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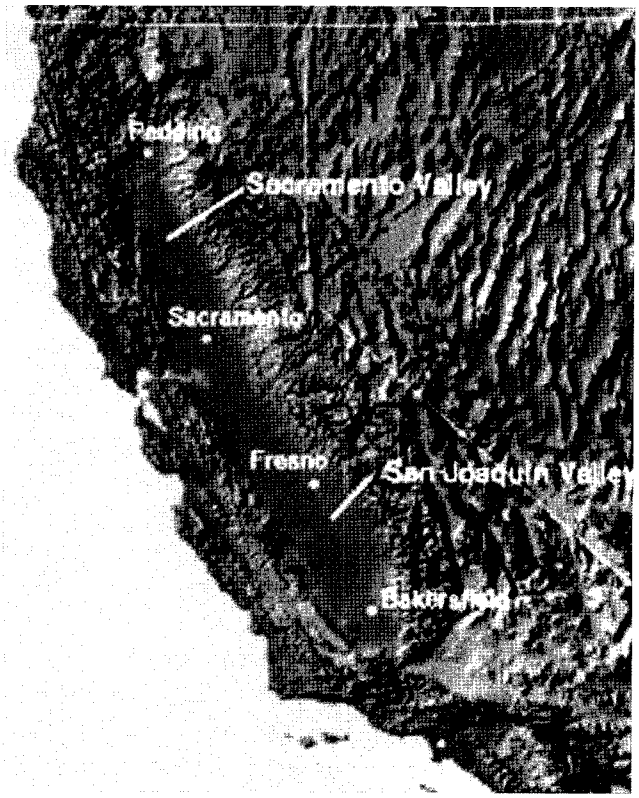


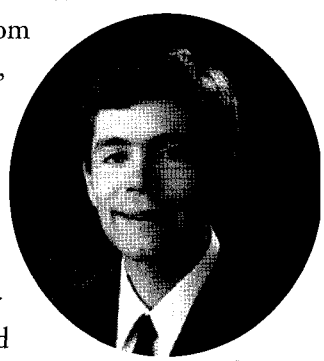
ready experiencing staggering 40 percent unemployment rates. Valley farmworkers depend on farmers for steady work, but some farmers have been forced to idle farmland after receiving only 10 percent of their historically-contracted water supplies. Water deliveries will be cut back even further under the new biological opinion — the NFMS projects a total water loss of 330,000 acre-feet per year (enough to meet the annual water needs of nearly one million people), but other agencies, including the California Department of Water Resources, have determined that that figure is a low estimate of water loss.

Even worse, this latest biological opinion comes on top of a December 2008 U.S. Fish and Wildlife Service decision to cut water deliveries for the delta smelt. In other words, both the Fish and Wildlife Service and National Marine Fisheries Service have used regulatory creep to jeopardize the livelihoods of thousands throughout California as well as the food supplies of millions of American consumers. Using the Endangered Species Act, these federal agencies have made themselves California's *de facto* water authority.

Governor Arnold Schwarzenegger understands the absurdity of these Endangered Species Act water cutbacks. "This federal biological opinion puts fish above the needs of millions of Californians and the health and security of the world's eighth-largest economy," he said. He noted further that President Obama's approach to ESA enforcement and water policy is "killing our economy and undermining the integrity of the Endangered Species Act." Considering that he took the time in April to join farm workers, farmers, and other civil leaders in a march for water, it seems the governor is genuinely concerned about what is happening in the Central Valley. He told the crowds attending the water march that Washington should consider California's interests more carefully, concluding that "I will not quit until we get water, because we need water."

Talk only goes so far, however, and the governor's words have yet to result in any marked increase in water deliveries. The governor can and should act to protect California's economic health and security by appealing for immediate relief directly to the Obama Administration. The longer this latest biological opinion is allowed to stand, the more likely some of the world's most productive farmland will become a government-imposed wasteland.

Fortunately, the Endangered Species Act allows for such an appeal. State governors have the power to request formally that the secretary of Interior convene a special committee under the ESA, known as the "God Squad." This Committee can decide to exempt a project from the burdens of the ESA, notwithstanding the effects the project may have on endangered species. If the governor requests it, the "God Squad" can exempt California's water projects from Endangered Species Act restrictions.


Damien M. Schiff

Pacific Legal Foundation attorneys Brandon M. Middleton and Damien M. Schiff are representing California Central Valley farmers in a federal lawsuit challenging environmental restrictions for the delta smelt that have led to economically devastating reductions in water supplied to agricultural and urban communities. PLF's emergency "Save our Water" petition asks President Barack Obama and Gov. Arnold Schwarzenegger to convene the so-called "God Squad" to deal with California's water crisis. Read and sign the petition at www.pacificlegal.org

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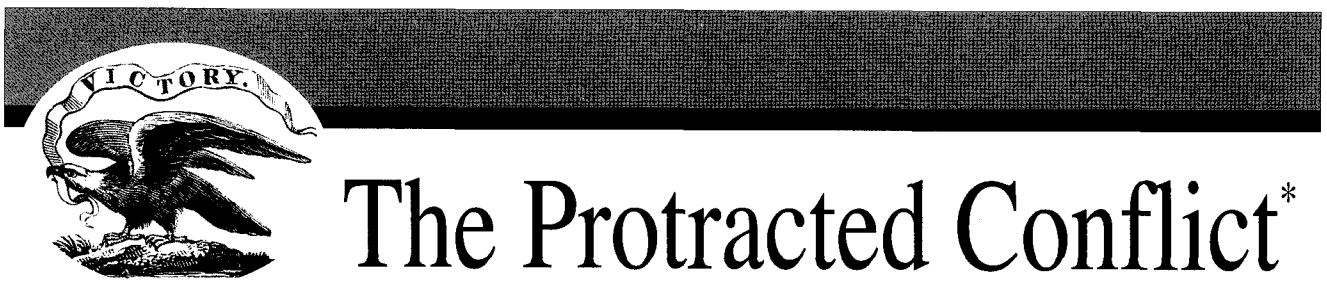
The situation is desperate; the governor should act now. His formal request that the Obama Administration convene the "God Squad" would be a substantial step to fulfilling his promise to fight for California's farmers and farmworkers. Failing to take it would endanger California's and the nation's food security. CPR



The Protracted Conflict*

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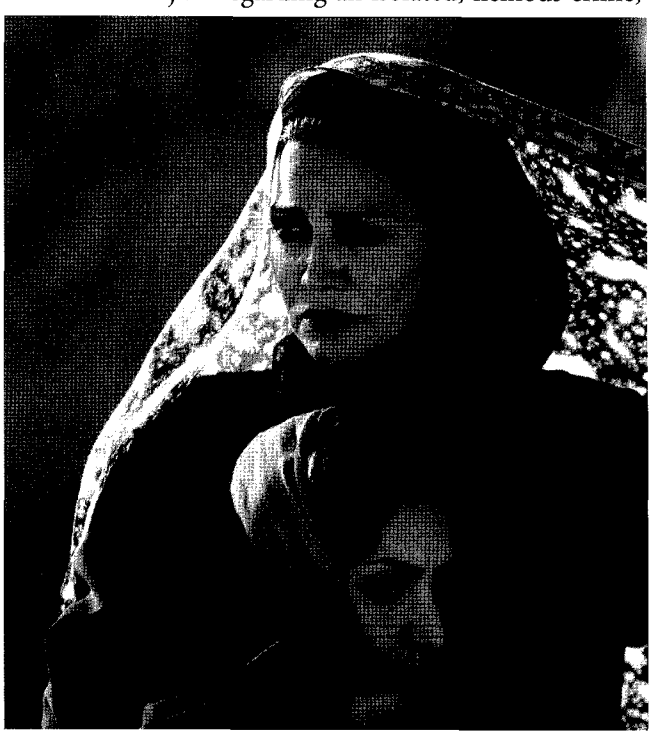
If American film makers are at last prepared to deal honestly with Islam, it's all to the good.

GREGORY SANFORD

A NEW FILM — *The Stoning Of Soraya M.* — now in theaters (see its website, *www.thestoning.com,* for locations and local showtimes), is the story of a murder, but more importantly, it is the story of the exposure of the crime, and, especially, of the courage of a few people, particularly the victim's mother, in bringing the truth to light.

Lest anyone get the wrong idea, I should say up front that I have not seen the film, although I plan to see it. I am not today writing a review and will not venture an opinion on the movie's quality, although lots of reviews, many highly favorable, are available online. It appears to be a high quality film, and I will go with that assumption to make a different point. That is, that its appearance represents an important political and social breakthrough — a point bolstered by the strong backing it has received, not only in the form of those favorable reviews but, as they imply, in that it must have been supplied the resources required — meaning substantial money, talent, and hard work — to make a first-rate film. No one pours such resources into any sort of project who isn't serious about doing it well, doing it right. Evidently, people are serious about this movie, and that means they are serious about exposing the truth not just regarding an isolated, heinous crime,



Soraya M. and her mother

* "The Protracted Conflict" *was the title of a long-running column in* National Review *by the late James Burnham, one of the conservative movement's most brilliant, far-seeing thinkers. Burnham wrote in* NR *of the contest between Western Civilization and communism from the 1950s through the 1970s.*

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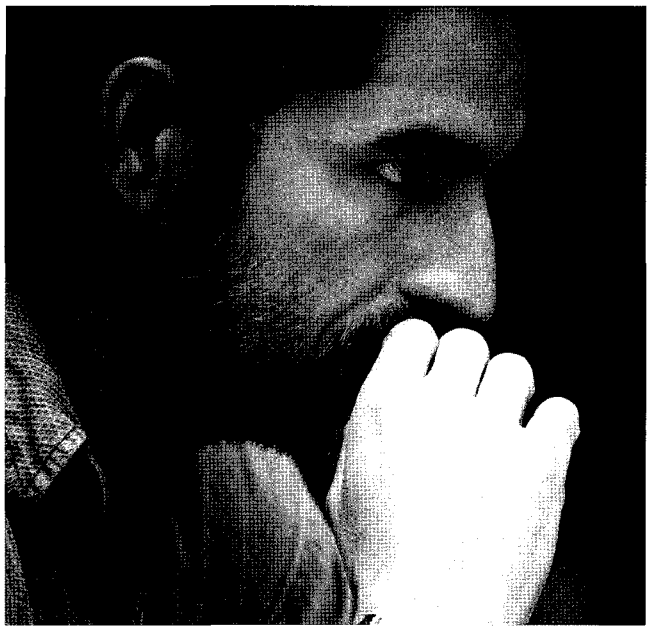

The journalist who tells the world the story

but regarding a larger truth, one the crime embodies, about Islam. This is a truth people in the West have been slow — painfully slow — to allow themselves to see.

Not that this slowness is anything unusual, even if maddening. Among free people, it seems always to accompany the emergence of any large-scale or historic evil. It took the unremitting, concentrated efforts of President Roosevelt, of most of our nation's cultural elites, and, by no means least, of Hollywood — in the form of such films as Frank Capra's *Why We Fight* series and two of Humphrey Bogart's greatest movies: *Casablanca* and *To Have and Have Not,* along with many others — to convince the American people not only that Adolph Hitler's Third Reich and the Japanese Empire represented terrible evil, but also (and this is the difficult part) a threat that it was *our* responsibility to confront and defeat.

Similarly, the American people took unconscionable decades to come, finally, to grips with the same truths about the Soviet Empire. To be sure, in this regard, the people not only were without the elite leadership that had guided them against European and Asian fascism, but were actively misled by that very elite: apologists for communism and Stalin: most prominently — again — President Roosevelt and the Roosevelt administration *(i.e.,* Alger Hiss), with major assistance from the most prestigious of Western "news" reporters and journalistic operations, particularly *The New York Times.* (Unfathomably, people still consult the *Times* expecting to learn something true about the world.) And, this time, mainly by its silence, by Hollywood.

However, the American people came to support the necessary strategies to bring on the demise of the Evil Empire when — led by the decidedly non-elite likes of Whitaker Chambers, Bill Buckley, Alexander Solzhenitsyn, Pope John Paul II, Margaret Thatcher, and, above all, Ronald Reagan — they belatedly saw that empire as the viscous threat and awful scandal that it was, the very existence of which impugned the moral standing of the whole world. *The New York Times,* unsurprisingly, was last to get the memo.

The American people took unconscionable decades to come, finally, to grips with the truth about the Soviet Empire.

We have come a long way in the ideological wars since those days, but the the peoples' inability, so far, to grasp the essential threat and evil of Islam's world empire, even though it has been with us for almost a millennium and a half, and even after the shock of 9/11, reminds us that human nature continues in its familiar ways. President Bush and countless other leaders always insisted on trying to distinguish Islamic terrorism from what they called a "great religion." But at no time in its history has Islam existed, much less shown vitality or growth, without relying, to varying degrees, upon mass murder, aggressive war, and terror. Even so, it is not surprising, given the peoples' slow awareness of massive evil in the past, that the world hesitates to see the truth about what is, in reality, an ancient heresy of Christianity.

My point, again, about *The Stoning Of Soraya M.,* then, is that it may well mark a watershed in this criti-

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cal process. When major films begin to appear forthrightly exposing the evil of Islam as, evidently, *The Stoning* does, the people have turned a corner. The official film "Summary," appearing at its web site, describes *The Stoning* in these words:

> In a world of corruption and injustice, a single courageous voice can tell a story that changes everything. This is what lies at the heart of the emotionally charged *The Stoning Of Soraya M.* Based on an incredible true story, this powerful tale of a village's persecution of an innocent woman becomes both a daring act of witness and a compelling parable about how people react when someone in their community is turned into a scapegoat: who will join forces with the plot, who will surrender to the mob, and who will dare to stand up for what's right? ... a classic fable of good vs. evil ....

It sounds as though *The Stoning* (like, say, *Casablanca)* looks straightforwardly at common, timeless moral issues as they play out at a particular time in a particular place among particular people — people who, in the context of these moral issues, are little different from any of us. Such stories do not ignore the larger context of world politics and war, but rather help us to disentangle it from its often irrelevant casing of confusing events and personalities, rationalizations, hypocrisy, and cynicism, not to mention usually far from noble motivations and purposes. It thereby achieves a clear view of the timeless moral truths involved. Those truths are, after all, the only considerations that matter *and* the only elements we can do much about.

The Stoning, the Summary adds, "was chosen as the runner-up for the Audience Choice Award at the Toronto 2008 Film Festival." *The Stoning Of Soraya M.* "stars Oscar-nominated Shohreh Aghdashloo (*House Of Sand And Fog*) "as Zahra, a "heroic Iranian woman who boldly seeks out [French-Iranian journalist] Freidoune [Sahebjam] (Jim Caviezel, *The Passion Of The Christ, Déjà Vu*), a journalist who is temporarily stranded in her remote village when his car breaks down." Told the harrowing tale of her niece's murder, Freidoune *did* expose the story to the world, eventually writing an international best-seller of the same name that first brought global attention to the real Soraya. The actual murder took place in 1986, carried out by Soraya's fellow villagers in the presence of her own children. In the words of one reviewer, it is "a magnificent movie. One of the most remarkable movies you'll ever lay eyes on."

And if it proves the first of many dramatic efforts to convey the true evil of a heresy that has visited war and desolation upon vast populations over much of the world since the seventh century, it may also be classed as a signpost for a critical historical watershed as well. I, for one, sincerely hope that that is exactly what it proves to be. CPR

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A California Political Review symposium

May 19, Californians performed an inspiring exercise in popular self-government.

The left, of course, is furious and at its wits' end — its usual position — its minions falling to threatening one another and snarling at the voters.

The way is now open for real reform. The one thing still wanting is that good people step forward to supply the last critical component:

Leadership

Contributors:
John Kurzweil, Tom McClintock, Pat Nolan, Sam Paredes, Larry Stirling

California's economic health hovers between poor and dismal, with economic indicators showing no upswing and Sacramento Democrats increasing the economic toxins in the state's diet. The May unemployment rate of 11.5 percent breaks all California records since modern record-keeping began, with monthly payroll figures showing a loss of 68,900 non-farm jobs for the month, education and health services being the only sectors not seeing losses. The May numbers were no improvement over recent months, dampening predictions of a budding turn-around, in contrast to numbers showing a drop in the national job loss rate even though unemployment rose in 48 states and the District of Columbia to reach 9.4 percent. As a possible silver lining, the number of *government* jobs statewide declined sharply with the economy's *un*productive sector reduced by 14,200 government employees.

Untroubled by the economic news, Democrats continued to persue their ideological goals, fighting proposals to revive the economy such as tax cuts, short-term spending restraint, long-term fiscal policy structural reform, regulatory relief, and welfare reform. Instead, the state suffered a marked increase in environmentally justified, environmentally futile restrictions on production and use by both business and private citizens of water, energy, and other resources.

In May, California voters acted with unusual independence, not to mention decisiveness, resoundingly rejecting ballot measure proposals to increase their taxes. That touched off an angry

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reaction among spending lobbyists, with Big Labor berating legislators in front of cameras in open legislative hearings, brazenly reminding them, like Boss James Taylor in *Mr. Smith Goes to Washington* speaking to his personal senator (the "Silver Knight"), that they owed their seats to the Service Employees International Union (SEIU) and that if they failed to serve SEIU interests they would be returned unto the dust from which they came. At least James Taylor had the decency to bully out of the public eye. Even earlier, Californians were treated, albeit briefly, to a now-infamous *Sacramento Bee* editorial that appeared on the *Bee* website within hours of the polls closing after the May 19 Special Election — about the time that the tax hike's defeat became known.

The *Bee* (in the version that was batted around the Internet) petulantly chided "the people" for having, evidently rashly, placed themselves "in charge." Tut-tutting that "now it's time to think" — as though no imaginable thought-process could lie behind voters' rejection of the tax hikes — the *Bee* dropped its Big Bertha: now you people must deal with "pesky" questions because you "gotta make cuts." The *Bee* reported this news with a solemn gravity that suggested the appearance of some sort of impossible Gordian Knot of unanswerable conundrums. Would we take "dollars from counties"? the *Bee* wondered, or begin "laying off teachers"?

Every so often, one wonders if these folks have forgotten that they're acting. Is it possible someone at the *Bee* really believes that a state with government employee payroll growth of more than a third since 1990, one that upped its inflation-adjusted *per capita* spending nearly 20 percent during the last six years can find no way to trim spending except "laying off teachers"? What about closing "The Washington Monument," to reference the all-time record-holder for most-hackneyed version of this canard?

As George C. Scott observed, playing Patton in the film of that name,* when it comes to acting, it is important that the actor remember the truth. In this case, the truth is that the absurd, if routine, lines about firing "teachers" almost always accompanied by "firemen" and "police"), were invented solely to fool the more gullible voters. Of course, whether or not the writer of the *Bee* editorial knew he/she was writing hog wash (*i.e.,* whether or not this is one of Lenin's "useful idiots"), the leftists running most things in Sacramento know several points the rest of us should bear in mind — namely:

• that the left's program is socialism and that no socialist system has ever done anything but fail as an economic-policy system,

• that the operative phrase here is the Obama administration official's comment that a crisis is a terrible thing to waste or, more precisely, that we should never to waste the opportunities a crisis presents for tricking people into embracing the loss of their freedom whenever they begin to despair at being able to take care of themselves,

• that Democrat Patron Saint Franklin Roosevelt used exactly this formula with historic success to make himself a major destroyer of American economic and political freedom while contriving to be hailed as a national savior,

• that Obama is already far down this path in Washington, D.C., and that it is therefore only consistent for Democrats to continue to follow it in California, and

• finally, that as long as the opposition (known as Republicans) remains in disarray, no serious danger exists to the success of this scheme (certainly not from the "watchdog" press), and that historically the way to deal with

*The general, at a moment of high tension during the Battle of the Bulge, shouts to his staff, "We're going to attack all night; We're going to attack tomorrow morning. And if we are not victorious, let no one come back alive!" To which his chief aide quietly comments, "You know something general? Sometimes they can't tell when you're acting and when you're not." To which Patton answers, "It isn't important for them to know; it's only important for me to know" — words no conscientious liberal should ever forget.

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Republicans is to offer them more or less *any* deal, since a fatal weakness for selling out whatever they have (up to and including their anti-tax-hike GOP souls) in exchange for the most threadbare promises seems the one character trait shared by every Republican from Ronald Reagan to Pete Wilson to, in spades — if we may fairly burden the GOP with this unfathomable vapidity — Arnold Schwarzenegger. (Come to think of it, given the GOP's hysterical reaction at the time of the recall, not just rejecting Tom McClintock's genuine conservatism in favor of the Arnold Schwarzenegger variety, but doing so in a breathtaking frenzy, the GOP richly earned this albatross around its neck.)

This last point is so dependable that Democrats are quite right in thinking they risk nothing even in acting in a thousand ways to alienate a major component of their constituency, Hispanic voters. They daily flagellate this key Democrat group's powerful Catholic faith and culture by championing every form of murder of the innocent (partial birth infanticide, anyone?), anti-family measure (euphemized as "gay rights"), and anti-First Amendment/religious freedom court ruling (euphemized as "civil rights"). Now they have added a furious war evidently designed to wipe out the Central Valley's Hispanic farm community by cutting off its lifeblood flow of water. This "go and die of thirst" campaign (euphemized as "environmentalism") combined with the Democrat leadership's continued push for economy-devastating tax increases was finally too much for one Democrat legislator, Fresno Representative Juan Arambula (A.D. 31).

Arambula proved singularly informative upon his departure from his former Party. After noting that his "real frustration is I can't be effective for my constituents," he told *Fresno Bee* editorial page editor Jim Boren that "There are genuine and entrenched labor interests — CTA [the California Teachers Association], SEIU, and the rest of the alphabet soup of labor agencies — and it's difficult to do anything without running into significant and well-funded opposition."

In 2008, Democrat leaders kicked now-retired Hanford Assemblymember Nicole Parra (A.D. 30) out of her capitol office, presumably assigning her to some broom closet in the building, as punishment for refusing to vote for last year's state budget. Parra had asked her leadership to place a water bond measure on the November statewide ballot to help her constituents. Her request was evidently refused, she refused to back the budget, and was subsequently tossed from her office. Like Arambula, Parra was in her final term under term limits. Her 30th district seat is now held by Republican Danny D. Gilmore.

If Republicans were serious about taking political control of California, they would cultivate this potent constituency, although the Wilsonite, big tent "moderates" would gag at the thought of any compromise that honestly opened the Party to such genuinely new people, especially social issue conservatives.

Here are the salient facts: Democrats cannot win a statewide California election without winning a landslide majority in Los Angeles County; they cannot win a landslide majority in Los Angeles County without 70 or 80 percent of the county's Hispanic votes; which all means the Obama Democrats (who also cannot win the White House without carrying California) would become a marginal, at worst regional, power if Republicans contrived consistently to win, say, 40 percent of that L.A. County Hispanic vote. Ronald Reagan was able to do that, and the pro-family Proposition 8 passed because it received heavy black and Hispanic support in L.A. County. Will it ever happen? Not while Big Empty Tent "moderates" control state GOP activities or, to be fair, any other group of Republicans, including conservatives, too comfortable or lazy or both to be bothered to do the real work of *making* it happen. Democrats know this, which is why they aren't worried.

In the essays that follow, a distinguished panel of experts explores a few (out of a virtually endless supply) of fool's projects and procedures that, were they eliminated, virtually no one would miss. State government simply wastes our money; here are the policies that would end permanently California's perennial budget crisis. Will we see it happen any time soon, or in our lifetimes? I leave that to readers' speculation. CPR

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Spending is the culprit

Hon. Tom McClintock

Representative Tom McClintock (R-California) delivered the following remarks during floor debate on a California request for federal "bailout" aid in June.

Mister Speaker: Governor Arnold Schwarzenegger of my home state of California has called for the federal government to underwrite as much as $15 billion of Revenue Anticipation Notes that the state has to issue to avoid insolvency. I think that would be a colossal mistake, and that such an act would not only dig the nation deeper into the hole it is in, but would actually make California's fiscal condition worse.

Today, California faces a paradox: despite record levels of spending and borrowing, it can no longer produce a decent road system, educate its children, or lock up its prisoners. Those who blame the recession for California's budget crisis profoundly misunderstand the nature of that crisis. Even before California's revenue began to shrink, the state government was running a chronic $10 billion deficit and piling up unprecedented debt. The recession is merely the catalyst; the underlying cause is rampant mismanagement of the state's resources. California spends $43,000 per year to house a prisoner while many states spend just half that. California spends more than $11,000 per pupil, but only a fraction of that ever reaches the classroom. California has one of the most expensive welfare systems in the country and yet one of the worst records of moving people off welfare.

And that's never seemed to bother California's governor and Legislature. They are like the shopkeeper who leased out too much space, ordered too much inventory, hired too many people, and paid them too much. Every month the shopkeeper covers his shortfalls with borrowing and bookkeeping tricks. Ultimately, he'll reach a tipping point where anything he does makes his situation worse. Borrowing costs are eating him alive and he's running out of credit. Raising prices causes his sales to decline. And there's only so much discretionary spending he can cut.

Representative McClintock 'on the air'

That's California's predicament in a nutshell. California's borrowing costs now exceed the budget of the entire University of California. The reason for the loan guarantee is that the state government's credit is exhausted. Lawmakers have just imposed the biggest tax increase by any state in American history and it has actually reduced their revenues and made their budget gap wider. Although the state can – and should – abolish many obsolete, duplicative, or low priority programs and expenditures, there are too few of them to come anywhere close to closing California's deficit without directly impacting basic services.

Sadly, California has reached the terminal stage of a bureaucratic state,

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where government has become so large and so tangled that it can no longer perform even basic functions. Simply stated, no substitute exists for a fundamental restructuring of the state's major service delivery systems and restoring the efficiencies that once produced a far higher level of service with far lower costs that those we see today.

No substitute exists for a fundamental restructuring of the state's major service delivery systems and restoring the efficiencies that once produced a far higher level of service with far lower costs.

Restoring that efficiency will require the governor and the Legislature:

- to wrestle control of state spending away from the public employee unions,
- to dismantle the enormous bureaucracies that have grown up around the service delivery level,
- to decentralize administration and decision making,
- to contract out services that the private sector can provide more efficiently,
- to rescind the recent tax increases that are actually costing the state money and
- to roll back the regulatory obstacles to productive enterprise.

These changes cannot be implemented overnight and will not begin producing results for some time. This brings us to the fine point of the matter. What Churchill called history's "terrible, chilling words" are about to be pronounced on California's failed leadership: "too late." A federal loan guarantee or bailout may be the only way to buy time for the restructuring of California's bureaucracies to take effect, but the discussion remains academic until and unless the state actually adopts the replacement structures, unburdens its shrinking productive sector, and presents a credible plan to redeem the state's crushing debt and looming obligations. Without these actions, federal intervention will only make California's problems worse by postponing reform, continuing unsustainable spending, and piling up still more debt. In short, if California won't help itself, the federal government cannot and should not try to do so. CPR

Cutting Prison Costs While Keeping the Public Safe

Hon Pat Nolan

Just before the May special election, Governor Arnold Schwarzennegger announced that he would be forced to release 38,000 inmates if the ballot propositions failed. Well, most did fail to pass, so now, the state must find ways to keep us safe while spending less on prisons. Our prisons will cost $10 billion this year. Yet, California's recidivism rate is the highest in the nation: 7 of 10 return to prison. No other business would continue to operate with a failure rate of 70 percent. That is a terrible return for our investment.

Other states have shown that it is possible to cut the costs of prisons while keeping the public safe. New York State has reduced crime while cutting the number of prisoners. In New York City, murders dropped from 2,605 in 1990 to 801 in 2007, while the state was reducing the number of prisoners. And last year, Texas enacted sweeping reforms of its prison system that allowed it to scrap plans to build three more prisons. Maryland, Massachusetts, Nevada, New Jersey, North Carolina, and South Carolina have also reduced their prison populations while reducing their crime rates. It's time for California to follow suit. These states are saving hundreds of millions of dollars by reserving costly prison beds for truly dangerous criminals, while punishing low-risk offenders in community facilities. They use new technologies to monitor parolees' whereabouts and behavior, and more effective supervision and treatment

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programs to help them stay on the straight and narrow.

FREEING UP EXPENSIVE PRISON BEDS

Here are four recommendations:

• Treat the non-dangerous mentally ill in community facilities. Obviously, some people with mental illness are dangerous. But thousands are merely sick and pose no threat. They end up in our jails and prisons as a result of "mercy bookings." The police would much rather take them to a civilian facility for proper treatment, but few beds are available. Holding the mentally ill behind bars is costly. Taxpayers spend $65 a day to jail the mentally ill; community treatment costs only $29. Money spent on new community mental health facilities would be far cheaper than building more prisons.

• Apply swift and certain sanctions for parole violations. More than half of the admissions to California's prisons are for parole violations, but most are for "technical violations," not new crimes. Many offenders don't follow the rules: failing to turn in paperwork, missing an appointment with a parole officer, or testing dirty for drugs. But it is extremely costly — and counterproductive - to send these knuckleheads back to prison. It would be far more effective, and cost much less, to administer quick, certain and short consequences for breaking the rules. In Hawaii, Judge Stephen Alm, a former federal prosecutor, established Project Hope, which enforces the rules of probation with immediate consequences.

If offenders have a dirty urinalysis they are immediately jailed - but not for years, just 24 or 48 hours. The object is to get them to follow the rules, without penalizing the taxpayers. The Pew Center on the States studied Project Hope, and the preliminary results are impressive. Offenders who have been in the project the longest have shown 92 percent fewer missed appointments while the number testing positive for drugs dropped 96 percent. This program accomplishes what we want — teaching offenders to follow the rules and keeping addicts in drug treatment — without filling the prisons.

• Tailor supervision to each parolee's risk to the public. Most states place the most dangerous offenders on the most intense supervision. But California puts virtually every prisoner on parole regardless of their danger. Little Hoover Commission Chairman Michael Alpert said, "These laws have not been tough on crime, but they have been tough on taxpayers."

A wake-up call for all Californians

• Allow in-prison mentors to continue to help inmates after they are released.

Returning offenders need healthy relationships. Having a good, moral person to help think through the decisions that confront them as they leave prison makes a huge difference in whether they can stay out of trouble and become contributing members of the community. Yet, California prohibits mentors who have worked with prisoners inside prison from staying in touch with them after they are released. This prevents inmates from having access to the very people that can help them succeed. No wonder our recidivism rate is so high. It's time to stop turning away these mentors' helping hands.

WHY DOESN'T CALIFORNIA?

These common sense reforms will significantly reduce California's prison population without compromising public safety. The state can have safer communities, fewer victims, and save the taxpayers millions. Other states — New York,

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Texas, and Michigan — are doing it. We can, and should, too.

No cash crunch for the war on our rights

Sam Paredes

Following the defeat of the tax hike initiatives in the May Special Election, Sacramento Democrats say the voters' stingy decision has left the state so strapped for cash (state government, right now, is $24 billion in the red) that all sorts of vital services will have to shorn to the bone: police and fire protection, education, health care, prisons — you name it, if it is something the state does and the people favor, lawmakers say they have no choice but to slash away drastically. All very familiar, and entirely false. Primarily. it ignores the simple truth that the state also does all sorts of things that the people care nothing about, if, in fact, they do not actively oppose them.

The left's eternal war against the Second Amendment is a particularly egregious example of this. Tyranny just naturally hates popular self-reliance, personal security, and human freedom — all guaranteed by this essential constitutional provision that recognizes every American's right to gun ownership. Consider a few points in this regard:

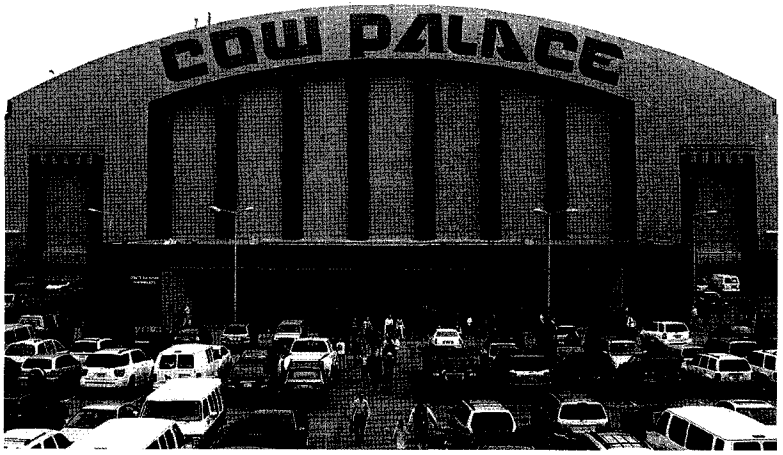
One — the United States Supreme Court held, in Heller v. District of Columbia, that the Second Amendment covers an individual right. The Ninth Circuit Court of Appeals' recent Nordyke v. King decision held that even state and local governments must abide by the Supreme Court's Heller ruling with regard to their own gun control laws, a legal concept called "Incorporation" under the 14th Amendment.

However, maneuvering not only as if they themselves were not daily bemoaning the state budget crisis but also as if the courts had said nothing, Democrats in the state capitol are proceeding to jam far-reaching, and expensive, anti-gun legislation through the legislative process. Moving effortlessly, almost as though their members were indulging themselves in a prolonged dream, the fiscal committees that Democrats control gave a series of these bills the big "thumbs up." So, in addition to the straight budgetary cost of enacting and trying to enforce each of these bills, taxpayers will get to pay for expensive court battles defending them against charges they blatantly violate recent federal court rulings as to their constitutionality.

What's happening here is all a matter of left-wing ideology. The left hates any sort of competing power, which means the Second Amendment. With minds given over to hate, costs simply don't matter — especially when those costs must be paid by you rather than by the lefties.

For just two examples: (1) the Legislature's Democrat majority is willing to lose millions of dollars in revenue generated at legal gun shows now held at state-owned facilities (under SB 585, sponsored by Senator Mark Leno [D-San Francisco], and (2) these same Democrats are also willing to require you to pay three million tax dollars (in only the first five years) to comply with provisions of an ammunition registration scheme they have cooked up.

By the way, a little background on Senator Leno's SB 585 demonstrates another sad fact: that it was passed with the help of two otherwise reliable pro-gun Democrats who cast the deciding votes to send the bill to the Assembly. As I mentioned above, SB 585 is a ban on gun shows, specifically at the state-owned Cow Palace



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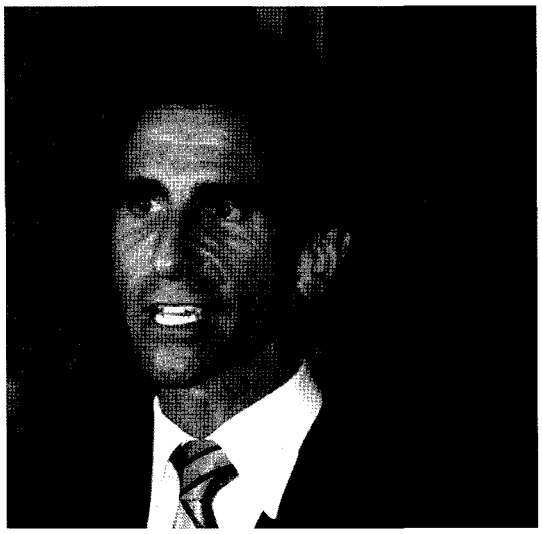
in San Francisco. We have successfully defeated this effort over the years with the help of a coalition of Republicans and pro-gun Democrats. But that won't be possible this year. This bill passed the senate by one vote with the deciding "aye" cast by Senator Denise Ducheny (D-San Diego). Senator Ducheny had one of the strongest pro-gun voting records among Democrats but decided to be the 21st vote because she viewed SB 585 as a matter of local control. Both local residents as well as city and county governments supported the ban, although there was no evidence of any increase in regional crime during the shows. Further, as a state facility, the Cow Palace is not under the jurisdiction of the local governments, but still, the senator went along with the measure.

Democrats are willing to lose millions of dollars in revenue generated at legal gun shows at state-owned facilities.

In addition, Senator Leno, knowing that gun shows at the Cow Palace are a consistent revenue producer, amended his bill to require a "phase in" of its provisions during the next five years so as to give state officials time to find other promoters and events to replace the loss of income. But this veil is transparently thin. The Cow Palace, already vacant and unused much of the year, probably will find no replacement events. Senator Leno is also concerned with the potential sale of the Cow Palace by the state as the governor is considering selling many of its properties to generate revenue to plug its collapsing financial situation. According to the Nordyke decision, local governments could ban gun shows from county or city property but they cannot do so on private property. If the Cow Palace is sold to a private developer, no one could prevent the holding of gun shows and it's not likely that local governments will actually purchase the venue because most are facing the same sort of financial crisis as is the state. They may be willing to talk about



Mark Leno

laying off firemen, law enforcement officers, teachers, and other public workers in hopes of generating support for tax hikes, but would they actually take on the Big Labor Lobby — the political machine that elects them and keeps them office — all just to buy the Cow Palace? I don't think so. Even Second Amendment hate goes only so far. Matters continue to look bleak for California's defenders of the Second Amendment. The truth, however, is that we were in this same place last year. Then, we hoped the addition of a few pro-gun Democrats to the state senate would help us stop gun control legislation in the upper house. It has not always worked out that way so far, but we still have a fighting chance to build a solid coalition for the Second Amendment.

In addition, California's impending financial collapse shows signs of forcing even the most ideologically rigid left-wingers that a time comes (and may well be here, finally) when no money remains (that the state can get its hands on) no matter how much tax rates are raised or new taxes added. And every gun control law costs money. If the state cannot take the money from taxpayers one way or another, these unconstitutional laws cannot take effect. CPR

The Third Alternative

Larry Stirling

Governor Arnold Schwarzenegger was quoted recently in the San Diego Union-Tribune to the

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effect that he had received the message from the voters in the latest state-wide election and intended to "make major cut-backs in state services." Was that the voter's message? It is more likely that what they demanded was that government do a demonstrably better job with the massively mounting resources already entrusted to it. Saying he will "cut services" means he has imbibed the culture of the governing class that, like the eunuchs of a Chinese emperor's palace, constitute the bureaucratic satrapy known as Sacramento.

Governor Schwarzenegger was elected to office in a political spasm that saw ultimate insider Gray Davis recalled in favor of the alternative voters thought Schwarzenegger offered: a putatively strong man, not only promising but able to "blow up the boxes" of routine tax-and-spend that dominate the state capitol. Instead, he decided to switch rather than fight.

What was it the voters' wanted him to fight? To what exactly did he succumb? The governing culture: derived from public administration education and subsequent professional training. It starts with the premise that when it comes to government "needs," "a blank check is not enough." In the minds of this culture's minions, there is no reason why they should not be fully funded first and then the public can live off what is left. Marie Antoinette would be at home in Sacramento.

Starting in their first public administration class at "Sac state," present and future Sacramento officials are turned into "one-trick ponies." They are taught a simple mantra that for some unknown reason has mesmerized voters for decades. They tell the public repeatedly that when state revenues run short of the spending level the "public servants" have set for themselves, two choices — and two choices only — are available: raise taxes or cut services. At the local level, for instance, when the government is not given a blank check, the city councils unanimously and automatically cut "police, fire, and libraries" no matter how many hundreds of less painful alternative exist. They aren't interested in alternatives. They want to leverage public opinion for greater revenues. Under the circumstances, the term "public servant" should be retired permanently, except as an oxymoron.

But now the public seems decreasingly susceptible to believing the old line, the old lie. In the massive rejection of further borrowing and tax increases that the recent statewide election represented, even liberal Californians seemed to conclude that something was seriously wrong with their state.

THE THIRD WAY

The truth is, a third alternative exists to the government's tax hike-or-cut services scenario. It is to simply do a better job. The costs of government do not have to go up every year. Through innovation and reform, the quality of services could actually rise and costs fall. San Diego proved that, for one example, when the City Council became America's first major city to install a 9-1-1 system. After learning about the new technology from the phone company, the city was able to do away with several inefficient dispatch systems employing dozens of dispatchers who mostly sat around all day. San Diego led the way to improved flow of citizen complaints in less time and much less cost than ever before. For people genuinely interested in alternatives to endlessly increasing taxes, an endless number of such possibilities. Here are just a few the state could adopt to reduce costs while improving services:

Put the states prisoners to work to support themselves.

The Workers Comp system in California has been a disaster for years, driving up business costs and motivating employers to move to other states. Worse, benefits to injured workers were among the lowest in the nation.

It would be a simple matter to adopt the American Arbitration Association method of resolving Worker Comp disputes thus doing away with the present adversarial system.

Such would wring two thirds of the transactions cost out of the dispute resolutions and promote a corps of arbitrators famed for their fairness and credibility rather than an army of employer and employee warriors.

The various county welfare systems should be done away with. Instead, people that need as-

Larry Stilring served in the California Legislature from 1980 to 1989.

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Larry Stirling

The Honorable Mike Feuer, chair
Assembly Committee on the Judiciary
State Capitol
Sacramento, CA. 95814

June 18, 2009

Re: Court reform.

Dear Chairman Feuer:

Please allow me to thank and compliment you for your professionalism as chair of the Assembly Committee on the Judiciary.

As a former member of both the Assembly and Senate Judiciary Committees, I have had the opportunity to observe the tenor and tone of many legislative chairs.

You are easily among the very best chairs the Legislature has ever seen. Your kindness to witnesses, including me, and the substance of your leadership of the committee, and mastery of the legislative material was flawless.

Thanks for your service to the people of California.

Also please allow me to address a piece of the unprecedented budget-balancing issues confronting you and your legislative colleagues.

I can sum up my position simply by saying that I believe that the Judiciary Committees of both houses have been entirely too deferential to the present leadership of the state court system.

I fully understand the notion of separation of powers and how the committee could place great store by the views of the chief justice and the lobbyist staff of the Judicial Council.

However, in light of Article 6, Section 6 (d) of the State Constitution, their views are solely advisory.

The Legislature has not only the right but the duty to look closely at court operations and past the self-serving positions of a bloated San Francisco bureaucracy to make sure the people of California are served by a competent court system.

I have authored several fundamental reforms of California courts. Every one of those reforms came as suggestions from judges on the front lines and none ever came from the top management of the courts for the simple reason that they are not in the court rooms to see the problems.

Unification, civil fast track, lawyer sanctions, civil assessments in lieu of arrest warrants, civil restitution orders in lieu of separate civil trials, the elimination of the partition ratio in DUI trials and many others are all fundamental time and cost-saving reforms suggested front line judges.

As you may know, through Assembly Member [Joel] Anderson, I have sponsored two bills that I believe will improve the administration of justice. One bill substantially increases the prospects of collecting billions in court-imposed fines and the other addresses the severe injustice and outrageous expense of jail overcrowding resulting from unconstitutionally delayed arraignments in violation of the Supreme Court case of *Riverside v. McLaughlin.*

One bill creates billions in revenues and adds no costs. The other saves the state millions in jail overcrowding costs and provides timely justice. Understandably, both bills have become incidental flotsam in the tumult of the current budgetary stormed-tossed seas.

As a concerned California citizen, an alumnus of both legislative houses, former chair of the Assembly Committee on Public Safety, and a veteran Municipal and Superior Court judge, I am simply trying to contribute to the well-being of our justice system. I think that my views will be valuable to you as the chairman.

Mike Genest has rightly told the courts that the state is in financial trouble and that branch needs to contribute to the solution. The top management of the courts has responded in the worst possible way by proposing the close the courts every Wednesday, supposedly to save money.

Closing the courts will not save money. Quite the opposite, closing the courts during regular hours will instead cost the state money as it copes with the delayed work-load during overtime hours.

Money will not be saved in judicial salaries because they are fixed by the state constitution and cannot be diminished during the term of their office. Closing the courts will not diminish the costs of much of the rest of the court personnel because their income is set via labor agreements.

More importantly, the courts are a cash cow. The longer they are open, the more money they bring in. Closing them simply delays the resolution of cases that would otherwise result in huge amounts of fines.

Criminal cases operate under constitutional deadlines. If they are not resolved during regular hours, they will have to be resolved during overtime hours at time and a half under the Federal Fair Labor Standards Act.

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Closing the courts is exactly the same as a city not picking up its trash one day a week. The trash still needs to be picked up. So when will that occur? Answer, on overtime.

There are many things the courts could do to save money, not one of which they have proposed to you.

Here is just one example. I was the leader in the court unification movement. We previously operated a cumbersome three-trial-court system. Working with Bill Lockyer, we consolidated the trial courts into one to maximize service and minimize overhead.

Court unification has been a dramatic success. However, instead of enjoying the fruits of that success, the Legislature has allowed the Judicial Council to accumulate a brand-new state bureaucracy of at least nine hundred additional employees at the state level.

None of these employees apparently ever worked in a court room. Many are paid over $100,000 a year to be nothing more than a stultifying state level bureaucracy that has contributed exactly nothing to the internal efficiency or external effectiveness of the courts.

Quite the opposite, they have become a stultifying hindrance to the staff in the court rooms doing the work.

When the chief justice has been questioned on why this complete waste of money is not eliminated, the response is that the Judicial Council is considering "not providing their staff bonuses this year." Bonuses? For what?

The judges of the California courts are local elected officials quite capable of running their courts in accordance with the law without the meddling oversight of nearly a thousand non-qualified bureaucrats ensconced in state and regional offices.

So, my first recommendation is the cut the courts from the top.

The courts also waste money on rentals. For example, the appellate court in San Diego has, for decades, rented the most expensive office space in San Diego, the Symphony Towers. The appellate court could occupy a suitable wing in a regular court house and long since paid off the costs of construction.

Another unnecessary and huge expense has been the insistence by the San Francisco bureaucracy that the local courts abandon their automation efforts.

Local courts were well on their way to automating their operations with systems crafted to meet their local needs. Automation is the one thing that will vastly improve the internal efficiency of the courts and is long overdue.

But the San Francisco bureaucracy decided it knew better and stopped local courts from automating. Instead it imposed a statewide, one-size-fits-all contractor on the locals.

So far, the effort has been an expensive fiasco.

California is a big state. Its various counties amount to court systems which exceed the size and volume of many other states and even nations.

Imposing an incompetently-designed computer system from the top down has now, in San Diego County alone, run millions of dollars over budget.

San Diego has had to lay people off because of the added expense of the state system. There is no end in sight to this particular mess.

The statewide system should be closed down and the local courts allowed to develop systems from the bottom up based on the realities of the court rooms and not the fantasies of a state selected consultant.

Other improvements can be made that will make a big difference. For example, increasing the pecuniary jurisdiction of small claims courts will relieve the burdens on the limited jurisdiction courts and provide ready justice for litigants that cannot afford lawyers. Small claims cases are generally handled by volunteer "judge pro tems" at little or no expense.

The state should revisit the "records retention laws" and vastly reduce the need to store mountains of paper. Technology has overtaken this entire subject everywhere but the courts.

The Legislature should eliminate appeals from traffic cases. If a review of a case is necessary, let it be tried "de novo" one time and then declare it res judicata.

Hundreds of other such suggestions exist that will make the courts self-supporting. The suggestion to close the courts should be summarily dismissed by the Legislature.

To sum up, the courts make the state money. Across the board cuts resulting in reduced court services to the public only increase the state's costs and reduce its revenues, a terrible outcome.

Cuts in court appropriations should be made from the top down eliminating the huge and completely unnecessary staff that the Judicial Council has accumulated in the last few years.

Thank you for your time and attention to this important matter.

Sincerely,
Larry Stirling

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sistance would register once with the Employment Development Department that would concentrate in getting people off of welfare and into a job. The county-level welfare departments are just as wasteful as if we had county level DMV's.

And speaking of the DMV, there is no reason to stand in line at their numerous offices. As in Canada, nearly all DMV functions could be contracted out thus creating revenues for the state instead of liabilities.

The Auto Club already performs many of those functions now at no cost to the state.

Why do we have three separate, competing higher education systems? These systems are notorious for over enrolling students. The CSU system graduates a paltry 20 percent of their freshmen enrollees after four years.

They over enroll because they need to sell outrageously priced text books, make money off their dorm and food services, and require paying fans to attend their sports agendas and commercial assemblies.

The students need a lot of entertainment because the classes they need are not available.

State education systems over enroll because they want the per-student subsidies from the state. In the meantime, through such people as Senator Dede Alpert, they legislatively crush private, post- secondary educational efforts.

If public universities had any confidence whatsoever in their product, they would agree to be financed from a portion of their graduates' income tax.

Such an arrangement would motivate universities to select students that can graduate, get them educated, out of school, and then into jobs. If you want to see a professor or a dean hyperventilate, propose that idea to them.

Another huge problem is child support. Hundreds of thousands of California kids are subjected to under class status and require massive welfare subsidies because of the rampant ineffectiveness of the child support system.

A child support order is a civil order. As such, it should be collected civilly. The law should permit the mother to turn the court orders over to an army of private collection agencies. Those agencies should be able to collect and the law should provide that the cost of collections become chargeable to the errant parent.

The state bureaucracy, sensing a whole new world for them made those civil orders and only those collectible by an incredibly incompetent bureaucracy.

And that bureaucracy opposes any efforts to permit private collection agencies to help. Worse, California was fined millions of dollars because they had not adopted new child-support collections software.

Never mind that every private collection agency had access to three such systems already in existence through the private sector.

And speaking of the courts, I led the way on court consolidation reducing our trial courts from three to one. In addition to enacted "fast track" and "
lawyer sanction" laws to speed the courts processes. Instead of enjoying the savings and improved services, the courts began adding hundreds of stultifying incompetent bureaucrats at the state level to "oversee" the courts. What for?

Now the courts are considering closing one day a week to punish the public for not giving them more money. This is foolish because the courts are like the IRS, they are a cash cow. The longer they are open, the more money they bring in.

There are hundreds of other such opportunities for reengineering the state and local governments to be more internally efficient and externally effective.

But, as one of the great sages of the legislature Jim
Brulte once said "Someone has to be the adult." Being "the adult" is the governor's job.

Being an adult means that someone has to say no to more waste and expenditures. Someone has to crack the whip and demand reforms. Someone has to veto the appropriations to the dysfunctional agencies such as the Coastal Commission, the Energy Commission and the Solid Waste Commission. Not one of these commissions has ever accomplished their legislative objectives.

When George Deukmejian and Pete Wilson were governor, they were the adults.

The governor should be the adult and demand these reforms. That is the third alternative. CPR

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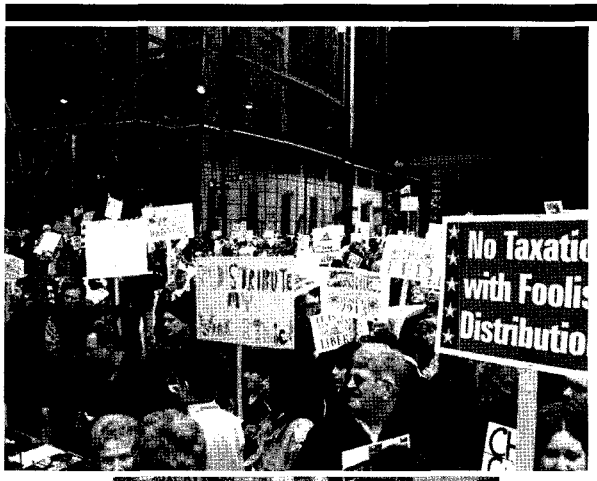
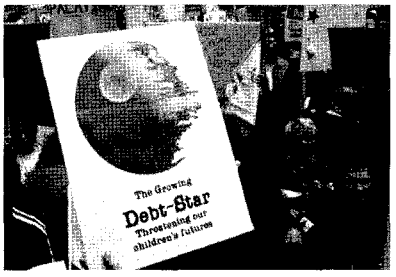
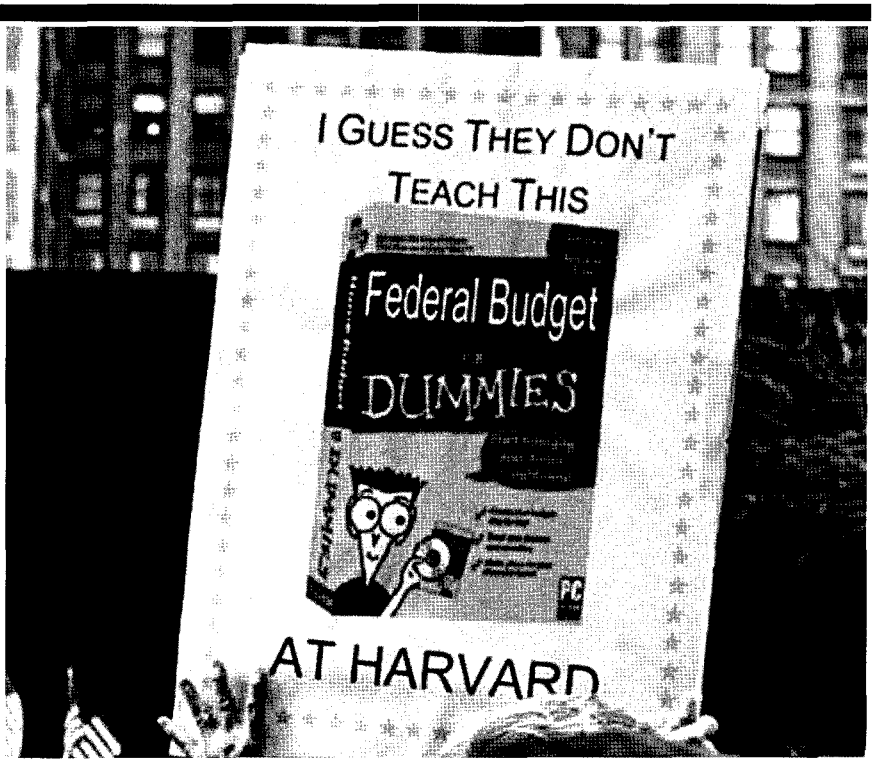






THE HOME FRONT

American Populism

Spontaneous rising

The targets marked for destruction by the "mainstream" Democrat Party — its state and national leadership, at least — include, on the level of governing principles:

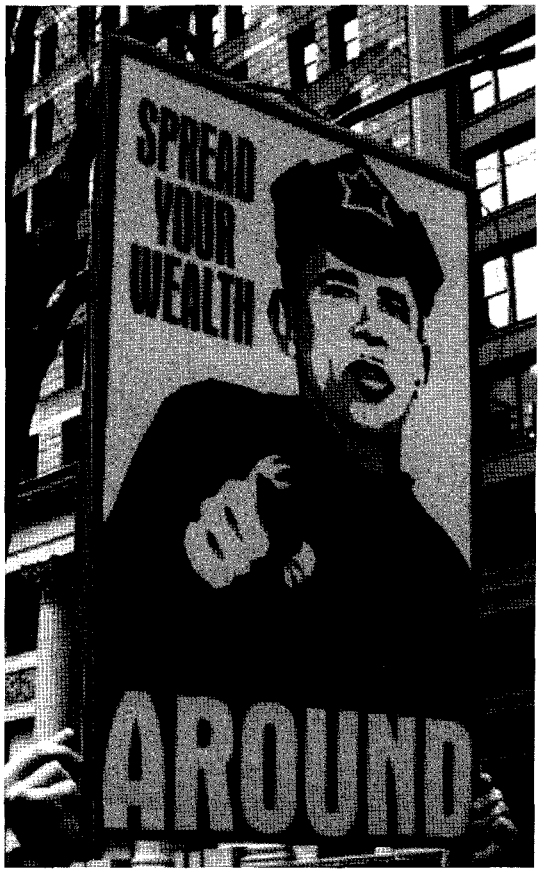
> the rule of law, constitutionally-defined and limited government, the proposition that all men posses "certain inalienable rights" and that government's sole legitimate purpose is "to secure these rights";

and, on the level of everyday life:

> faith in God, not state power; reliance on key institutions, especially religion, the family, and private property, for our spiritual, social, and material well-being; and reverence for human life, honesty, and enduring moral truths, not expediency, as the guideposts of right living.

Unsurprisingly, the American people don't support the left's targeting crusade, hence: the Tea Parties. American Populism is supplying the army for our common defense. When the right leader is found, the time will be short — to adapt Reagan's words — before we transcend this latest assault on our humanity.

We won't bother to denounce it; we'll dismiss it as a sad, bizarre chapter whose last pages are even now being written. CPR



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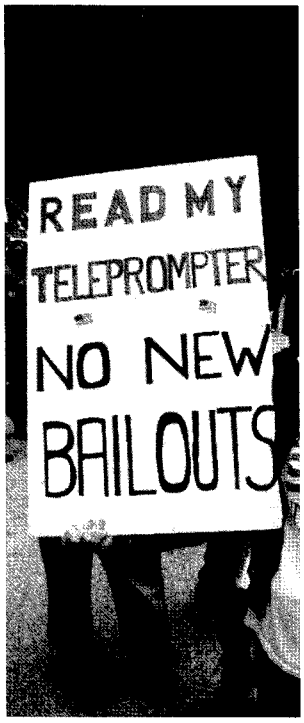

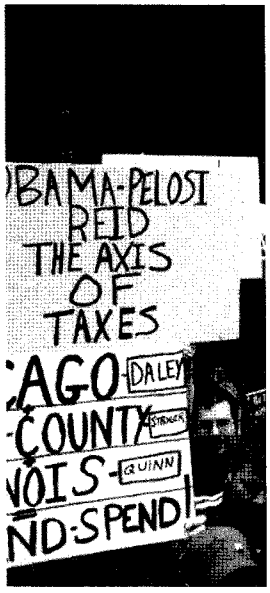

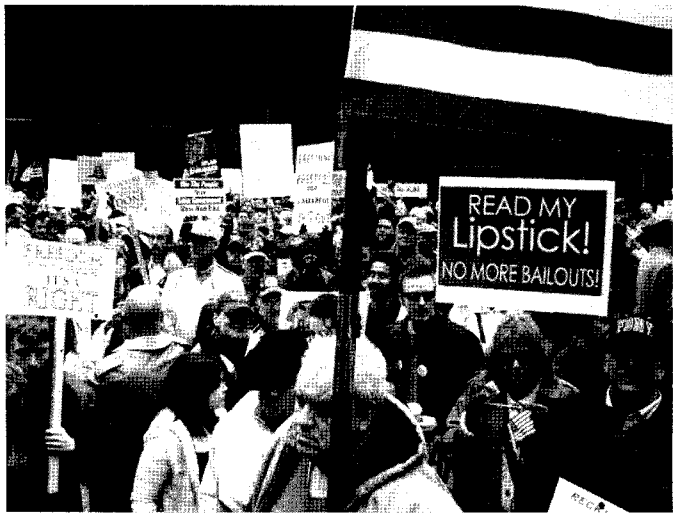

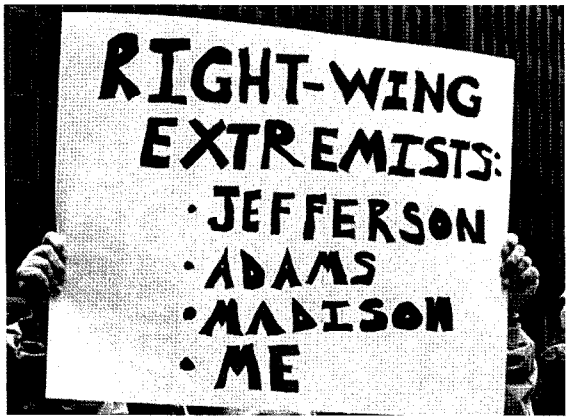

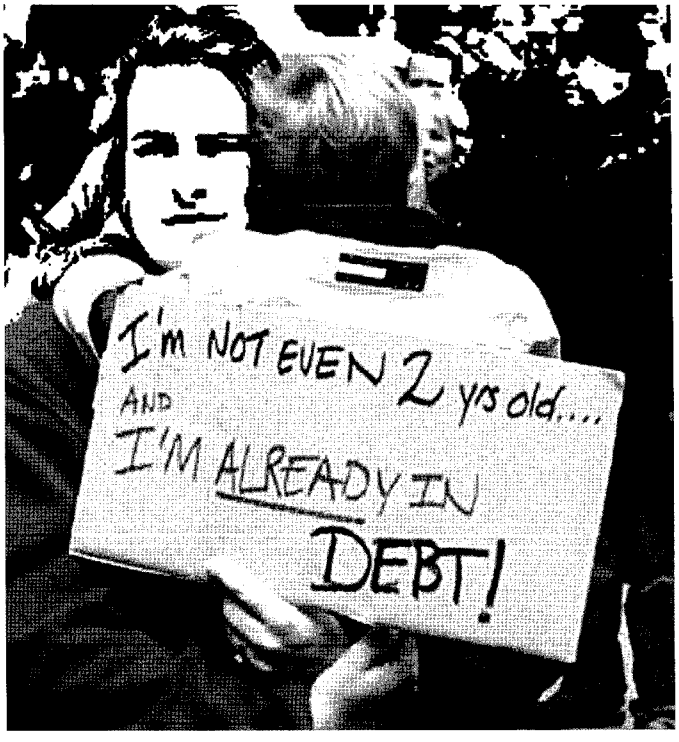

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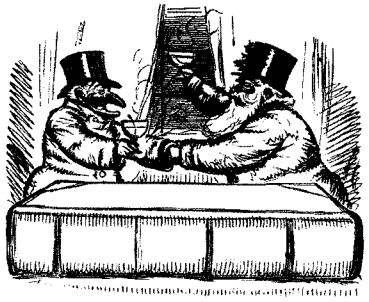

HISTORY

The things that are God's

The Jeffersonian principle that the state may not violate 'certain unalianable rights' 'endowed by our Creator' descends from ancient lineage and deep-buried roots.

BY JOHN HENRY NEWMAN

*In response to reader requests for more from John Henry Newman following his "History of the Turks" series (*CPR, *May/June 2008 through March/April 2009), we herewith offer Newman's historical sketch of a clash over a fundamental religious freedom issue from the era of the late Roman Empire. This essay was written about 1836, at a time the British people were debating proposals to end direct state financial subsidies to the Church of England. Newman wrote as a member of the Anglican clergy.*

— editor

NO CONSIDERATE person will deny that there is much in the spirit of the times, and in the actual changes which the British Constitution has lately undergone, which makes it probable, or not improbable, that a material alteration will soon take place in the relations of the Church towards the State, to which it has been hitherto united. I do not say that it is out of the question that things may return to their former quiet and pleasant course, as in the good old time of King George III.; but the very chance that they will not makes it a practical concern for every churchman to prepare himself for a change, and a practical question for the clergy, by what instruments the authority of religion is to be supported, should the protection and patronage of the Government be withdrawn.

Hitherto the English Church has depended on the State, *i.e.,* on the ruling powers in the country — the king and the aristocracy; and this is so natural and religious a position of things when viewed in the abstract, and in its actual working has been productive of such excellent fruits in the Church, such quietness, such sobriety, such external propriety of conduct, and such freedom from doctrinal excesses, that we must ever look back upon the period of ecclesiastical history so characterized with affectionate thoughts; particularly on the reigns of our blessed martyr St. Charles, and King George the Good. But these recollections of the past must not engross our minds, or hinder us from looking at things as they are, and as they will be soon, and from inquiring what is intended by Providence to take the place of the time-honoured instrument, which He has broken (if it be yet broken), the regal and aristocratical power. I shall offend many men when I say, we must look to the people; but let them give me a hearing.

The chief and obvious objection to the clergy being thrown on the People, lies in the probable lowering of

John Henry Newman, English divine, philosopher, man of letters, and leader of the Tractarian Movement, lived from 1801 to 1890. See these excerpts at CPR Online: *www.cppf.us*

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Christian views, and the adulation of the vulgar, which would be its consequence; and the state of Dissenters is appealed to as an evidence of the danger. But let us recollect that we are an apostolical body; we were not made, nor can be unmade by our flocks; and if our influence is to depend on them, yet the Sacraments reside with us. We have that with us, which none but ourselves possess, the mantle of the Apostles; and this, properly understood and cherished, will ever keep us from being the creatures of a populace.

To this must be added the undeniable fact that the Church, when purest and when most powerful, has depended for its influence on its consideration with the many. St. Thomas Becket's letters, lately published, have struck me not a little; but of course I now refer, not to such dark ages as most Englishmen consider these, but to the primitive Church — the Church of St. Athanasius and St. Ambrose.

With a view of showing the power of the Church at that time, and on what it was based, not on governments, or on human law, or on endowments, but on popular enthusiasm, on dogma, on hierarchical power, and on a supernatural Divine Presence, I will now give some account of certain ecclesiastical proceedings in the city of Milan in the years 385, 386, — Ambrose being bishop, and Justina and her son, the younger Valentinian, the reigning powers.

AMBROSE WAS eminently a popular bishop, as everyone knows who has read ever so little of his history. His very promotion to the sacred office was owing to an unexpected movement of the populace. Auxentius, his Arian predecessor in the see of Milan, died, A.D. 374, upon which the bishops of the province wrote to the then Emperor, Valentinian the First, who was in Gaul, requesting him to name the person who was to succeed him. This was a prudent step on their part, Arianism having introduced such matter for discord and faction among the Milanese, that it was dangerous to submit the election to the people at large, though the majority of them were orthodox. Valentinian, however, declined to avail himself of the permission thus given him; the choice was thrown upon the voices of the people, and the cathedral, which was the place of assembling, was soon a scene of disgraceful uproar, as the bishops had anticipated. Ambrose was at that time civil governor of the province of which Milan was the capital: and, the tumult increasing, he was obliged to interfere in person, with a view of preventing its ending in open sedition. He was a man of grave character, and had been in youth brought up with a sister, who had devoted herself to the service of God in a single life; but as yet was only a catechumen, though he was half way between thirty and forty. Arrived at the scene of tumult, he addressed the assembled crowds, exhorting them to peace and order. While he was speaking, a child's voice, as is reported, was heard in the midst of the crowd to say, "Ambrose is bishop;" the populace took up the cry, and both parties in the Church, Catholic and Arian, whether influenced by a sudden enthusiasm, or willing to take a man who was unconnected with party, voted unanimously for the election of Ambrose.

Under these strange circumstances, Ambrose was at length consecrated bishop. He bestowed his personal property on the poor: his lands on the Church; making his sister tenant for life. Next he gave himself up to the peculiar studies necessary for the due execution of his high duties, till he gained that deep insight into Catholic truth, which is evidenced in his writings, and in no common measure in relation to Arianism, which had been the dominant creed in Milan for the twenty years preceding his elevation.

I just now mentioned St. Thomas Becket. There is at once a similarity and a contrast between his history and that of Ambrose. Each of the two was by education and society what would now be called a gentleman. Each was in high civil station when he was raised to a great ecclesiastical position; each was in middle age. Each had led an upright, virtuous life before his elevation; and each, on being elevated, changed it for a life of extraordinary penance and saintly devotion. Each was promoted to his high place by the act, direct or concurrent, of his sovereign; and each showed to that sovereign in the most emphatic way that a bishop was the servant, not of man, but of the Lord of heaven and earth. Each boldly confronted his sovereign in a great religious quarrel, and staked

St. Ambrose

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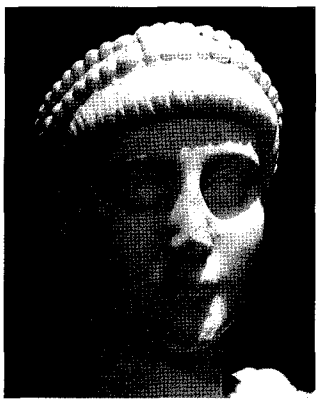

Emporer Valintinian II

his life on its issue; — but then comes the contrast, for Becket's earthly master was as resolute in his opposition to the Church as Becket was in its behalf, and made him a martyr; whereas the Imperial Power of Rome quailed and gave way before the dauntless bearing and the grave and gracious presence of the great prelate of Milan. Indeed, the whole Pontificate of Ambrose is a history of successive victories of the Church over the State; but I shall limit myself to a bare outline of one of them.

AMBROSE HAD PRESIDED in his see about eleven years at the time when the events took place which are here to be related. Valentinian was dead, as well as his eldest son Gratian. His second son, who bore his own name, was Emperor of the West, under the tutelage of Justina, his second wife.

Justina was an Arian, and brought up her son in her own heretical views. This was about the time when the heresy was finally subdued in the Eastern Churches; the Ecumenical Council of Constantinople had lately been held, many Arian bishops had conformed, and laws had been passed by Theodosius against those who held out. It was natural under such circumstances that a number of the latter should flock to the court of Milan for protection and patronage. The Gothic officers of the palace were Arians also, as might be supposed, after the creed of their nation. At length they obtained a bishop of their persuasion from the East; and having now the form of an ecclesiastical body, they used the influence of Valentinian, or rather of his mother, to extort from Ambrose one of the churches of Milan for their worship.

The bishop was summoned to the palace before the assembled Court, and was formally asked to relinquish St. Victor's Church, then called the Portian Basilica, which was outside the walls, for the Arian worship. His duty was plain; the churches were the property of Christ; he was the representative of Christ, and was therefore bound not to cede what was committed to him in trust. This is the account of the matter given by himself in the course of the dispute: —

> "Do not," he says, "O Emperor, embarrass yourself with the thought that you have an Emperor's right over sacred things. Exalt not yourself, but, as you would enjoy a continuance of power, be God's subject. It is written, God's to God, and Cæsar's to Cæsar. The palace is the Emperor's, the churches are the bishop's."

This argument, which is true at all times, was much more convincing in an age like the primitive, before men had begun to deny that Christ had left a visible representative of Himself in His Church. If there was a body to whom the concerns of religion were entrusted, there could be no doubt it was that over which Ambrose presided. It had been there planted ever since Milan became Christian, its ministers were descended from the Apostles, and it was the legitimate trustee of the sacred property. But in our day men have been taught to doubt whether there is one Apostolic Church, though it is mentioned in the Creed: nay, it is grievous to say, clergymen have sometimes forgotten, sometimes made light of their own privileges. Accordingly, when a question arises now about the spoliation of the Church, we are obliged to betake ourselves to the rules of national law; we appeal to precedents, or we urge the civil consequences of the measure, or we use other arguments, which, good as they may be, are too refined to be very popular. Ambrose rested his resistance on grounds which the people understood at once, and recognized as irrefragable. They felt that he was only refusing to surrender a trust. They rose in a body, and thronged the palace gates. A company of soldiers was sent to disperse them; and a riot was on the point of ensuing, when the ministers of the Court became alarmed, and despatched Ambrose to appease the tumult, with the pledge that no further attempt should be made on the possessions of the Church.

Now some reader will here interrupt the narrative, perhaps, with something of an indignant burst about connecting the cause of religion with mobs and outbreaks. To whom I would reply, that the multitude of men is always rude and intemperate, and needs restraint, — religion does not make them so. But being so, it is better they should be zealous about religion, and repressed by religion, as in this case, than flow and ebb again under the irrational influences of this world. A mob, indeed, is always wayward and faithless; but it is a good sign when it is susceptible of the hopes and fears of the world to come. Is it not probable that, when religion is thus a popular subject, it may penetrate, soften, or stimulate hearts which otherwise would know nothing of its power?

However, this is not, properly speaking, my present point, which is to show how a Church may be in "fa-

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vour with all the people" without any subserviency to them. To return to our history.

JUSTINA, FAILING to intimidate, made various underhand attempts to remove the champion of orthodoxy. She endeavoured to raise the people against him. Failing in this object, next, by scattering promises of place and promotion, she set on foot various projects to seize him in church, and carry him off into banishment. One man went so far as to take lodgings near the church, and had a carriage in readiness, in order to avail himself of any opportunity which offered to convey him away. But none of these attempts succeeded.

This was in the month of March; as Easter drew on, more vigorous steps were taken by the Court. On April 4, the Friday before Palm Sunday, the demand of a church for the Arians was renewed; the pledges which the government had given, that no further steps should be taken in the matter, being perhaps evaded by changing the church which was demanded. Ambrose was now asked for the New or Roman Basilica, which was within the walls, and larger than the Portian. It was dedicated to the Apostles, and (I may add, for the sake of the antiquarian,) was built in the form of a cross. When the bishop refused in the same language as before, the imperial minister returned to the demand of the Portian Church; but the people interfering, and being clamorous against the proposal, he was obliged to retire to the palace to report how matters stood.

On Palm Sunday, after the lessons and sermon were over in the Basilica, in which he officiated, Ambrose was engaged in teaching the creed to the candidates for baptism, who, as was customary, had been catechized during Lent, and were to be admitted into the Church on the night before Easter-day. News was brought him that the officers of the Court had taken possession of the Portian Church, and were arranging the imperial hangings in token of its being confiscated to the Emperor; on the other hand, that the people were flocking thither. Ambrose continued the service of the day; but, when he was in the midst of the celebration of the Eucharistical rite, a second message came that one of the Arian priests was in the hands of the populace.

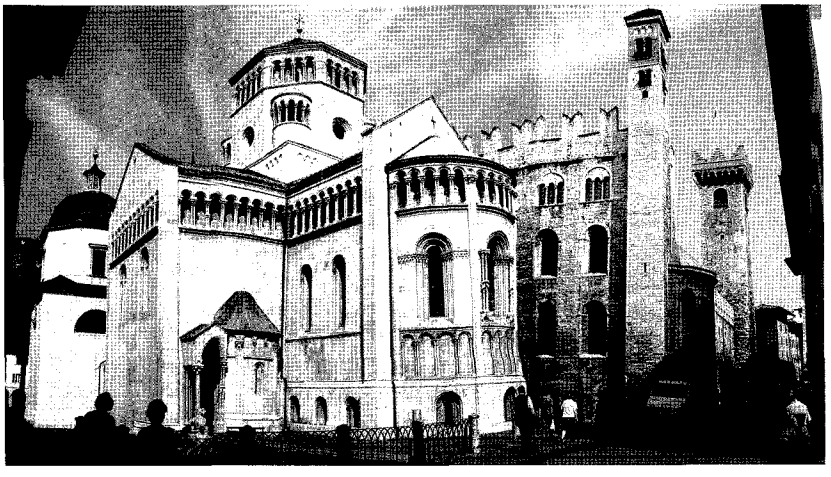
> On this news (he says, writing to his sister,) I could not keep from shedding many bitter tears, and, while I made oblation, I prayed God's protection that no blood might be shed in the Church's quarrel: or if so, that it might be mine, and that not for my people only, but for those heretics.

At the same time he despatched some of his clergy to the spot, who had influence enough to rescue the unfortunate man from the mob.

Though Ambrose so far seems to have been supported only by a popular movement, yet the proceedings of the following week showed that he had also the great mass of respectable citizens on his side. The imprudent measures of the Court, in punishing those whom it considered its enemies, disclosed to the world their number and importance. The tradesmen of the city were fined two hundred pounds of gold, and many were thrown into prison. All the officers, moreover, and place-men of the courts of justice, were ordered to keep in-doors during the continuance of the disorders; and men of higher rank were menaced with severe consequences, unless the Basilica were surrendered.

Such were the acts by which the Imperial Court solemnized Passion week. At length a fresh interview was sought with Ambrose, which shall be described in his own words: —

> I had a meeting with the counts and tribunes, who urged me to give up the Basilica without delay, on the ground that the Emperor was but acting on his undoubted rights, as possessing sovereign power over all things. I made answer, that if he asked me for what was my own — for instance, my estate, my money, or the like — I would make no opposition: though, to tell the truth, all that was mine was the property of the poor; but that he had no sovereignty over things sacred. If my patrimony is demanded, seize upon it; my person, here I am. Would you take to prison or to death? I go with



Cathedral at Trento, Italy

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pleasure. Far be it from me to entrench myself within the circle of a multitude, or to clasp the altar in supplication for my life; rather I will be a sacrifice for the altar's sake.

In good truth, when I heard that soldiers were sent to take possession of the Basilica, I was horrified at the prospect of bloodshed, which might issue in ruin to the whole city. I prayed God that I might not survive the destruction, which might ensue, of such a place, nay, of Italy itself. I shrank from the odium of having occasioned slaughter, and would sooner have given my own throat to the knife … I was ordered to calm the people. I replied, that all I could do was not to inflame them; but God alone could appease them. For myself, if I appeared to have instigated them, it was the duty of the government to proceed against me, or to banish me. Upon this they left me.

Ambrose spent the rest of Palm Sunday in the same Basilica in which he had been officiating in the morning: at night he went to his own house, that the civil power might have the opportunity of arresting him, if it was thought advisable.

THE ATTEMPT to gain the Portian seems now to have been dropped; but on the Wednesday troops were marched before day-break to take possession of the New Church, which was within the walls. Ambrose, upon the news of this fresh movement, used the weapons of an apostle. He did not seek to disturb them in their possession; but, attending service at his own church, he was content with threatening the soldiers with a sentence of excommunication.

Meanwhile the New Church, where the soldiers were posted, began to fill with a larger congregation than it ever contained before the persecution. Ambrose was requested to go there, but, desirous of drawing the people away from the scene of imperial tyranny, lest a riot should ensue, he remained where he was, and began a comment on the lesson of the day, which was from the book of Job. First, he commended them for the Christian patience and resignation with which they had hitherto borne their trial, which indeed was, on the whole, surprising, if we consider the inflammable nature of a multitude.

"We petition your Majesty," they said to the Emperor; "we use no force, we feel no fear, but we petition." It is common in the leader of a multitude to profess peace-ableness, but very unusual for the multitude itself to persevere in doing so. Ambrose went on to observe, that both they and he had in their way been tempted, as Job was, by the powers of evil. For himself, his peculiar trial had lain in the reflection that the extraordinary measures of the government, the movements of the Gothic guards, the fines of the tradesmen, the various sufferings of the faithful, all arose from, as it might be called, his obstinacy in not yielding to what seemed an overwhelming necessity, and giving the Basilica to the Arians. Yet he felt that to do so would be to peril his soul; so that the request was but the voice of the tempter, as he spoke in Job's wife, to make him "say a word against God, and die," to betray his trust, and incur the sentence of spiritual death.

Before this time the soldiers who had been sent to the New Church, from dread of the threat of excommunication, had declared against the sacrilege, and joined his own congregation; and now the news came that the royal hangings had been taken down. Soon after, as he was continuing his address to the people, a fresh message came to him from the Court to ask him whether he had an intention of domineering over his sovereign? Ambrose, in answer, showed the pains he had taken to be obedient to the Emperor's will, and to hinder disturbance: then he added: —

Priests have by old right bestowed sovereignty, never assumed it; and it is a common saying, that sovereigns have coveted the priesthood more than priests the sovereignty. Christ hid Himself, lest He should be made a king. Yes! we have a dominion of our own. The dominion of the priest lies in his helplessness, as it is said, "When I am weak, then am I strong."

And so ended the dispute for a time. On Good Friday the Court gave way; the guards were ordered from the Basilica, and the fines were remitted. I end for the present with the view which Ambrose took of the prospect before him: —

Thus the matter rests; I wish I could say, has ended; but the Emperor's words are of that angry sort which shows that a more severe contest is in store. He says I domineer, or worse than domineer. He implied this when his ministers were entreating him, on the petition of the soldiers, to attend church.

"Should Ambrose bid you," he made answer, "doubtless you would give me to him in chains." I leave you to judge what these words promise. Persons present were all shocked at hearing them; but there are parties who exasperate him.

(Concluded next issue — editor) CPR

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John Ziegler

on how Obama bought the major media's journalistic soul and why there'll never be a conservative Michael Moore.

An exclusive CPR interview by

Eldon Quick

John Ziegler's *Media Malpractice, How Obama Was Elected and Palin Was Targeted* (reviewed by Eldon Quick, "Bias in the media?", *CPR,* March/April 2009) documents the final shredding during last year's presidential election of the U.S. major media's tattered devotion to the idea of a "Watch Dog" press. The documentary — conceived, written, produced, hosted, narrated, and directed all by John Ziegler — raises highly disturbing questions about the fairness, and perhaps even viability, of American elections "covered" by a press corps showing not even the most rudimentary level of journalistic integrity.

Mr. Ziegler is a tall, trim, handsome young man with an athlete's build. An avid golfer (twice qualified for the USGA Mid-Amateur championships), he graduated Georgetown University with a degree in Government (minor in Theology and Philosophy) — an education that, he now says, prepared him for almost no gainful employment. Since then, he's worked in a variety of public communications occu-

John Ziegler was interviewed exclusively for California Political Review *by* CPR *Movie Critic Eldon Quick.*

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John Ziegler

pations: radio and TV sports caster, talk host, writer, and, now, documentary filmmaker.

California Political Review: Was *Media Malpractice* inspired by one event, or a culmination of many?
Ziegler: More of a culmination. I wanted to do this during the primary season. I thought it outrageous that the news media decided — more to serve their own economic interests than any political agenda — that the original Obama rocket ship was powered by economics, not philosophy or politics. The political distance between Hillary Clinton and Barack Obama, after all, is small. But the media realized Obama was better for ratings and so decided to determine our next president based on that consideration. That's incredibly dangerous, though it is clearly what happened.

California Political Review: Just to get higher ratings with Obama?
Ziegler: It was obvious. The worst offender was MSNBC, which clearly decided to ride the Obama bandwagon for all it was worth. Any kind of ratings jump, even a hundred thousand people nation-wide, is significant to MSNBC, the nation's number three cable news network [behind Fox News and CNN].

They could see in the overnights that every Obama story or stories in which he spoke moved ratings up. He was a more interesting story than "another Clinton": first black president, young, charismatic. And Hillary against McCain — they're friends, they're old, they're boring. A Hillary/McCain general election was ratings death.

The major media didn't want that. Also, I think it started with the thought: my God! if Hillary wins Iowa and New Hampshire we've nothing to do except talk about Republicans from now to September. I also think that, when they began, they thought Obama could not win, that this would all be just for fun. We'll create *faux* drama; Hillary will eventually take the nomination, maybe with Obama as her VP. Or, if she doesn't win, he'll be set to run in 2012 and everyone will go home happy.

Also — this is a personal theory of mine — I think Hillary actually — kinda — went along with this dance, begrudgingly, because she could not afford to offend the black vote. But I think she thought it was a dance at first. Then, during the dance, while she and Obama were dancing together, he took out a switch blade and knifed her while the media knifed Bill Clinton for him. The primaries were quite extraordinary.

California Political Review: What do you hope your documentary will do?
Ziegler: I hope the audiences feel more confident about what they think they saw during the presidential election. I hope people will rethink some of the

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myths the media led many of them to believe during the campaign. They'll probably be a little angry, but also motivated to spread the word about the truth. I hope they've also had a good time — the film is entertaining and funny at times.

California Political Review: Where has the documentary been seen?
Ziegler: We've screened it in several cities, and continue to screen it across the country. But we're realistic about what's possible with a conservative documentary, especially one that's perceived as taking on Obama, even though this really doesn't take on Obama: it takes on the media. But that will be the perception and so we haven't tried several venues. We did get into the "Newport Beach Film Festival," which was nice. That was one of the few film festivals we thought offered any real chance, so it's the only one we've tried.

As for larger distribution, we tried a couple of places and actually thought at the time we were going to be able to do that. And it has not yet come to fruition and who knows if it will. We're aware of the limitations on what can happen with a conservative documentary. Eventually this will be on Amazon, Netflix, Overstock — maybe someone will see its economic potential, although I'm not holding my breath. The factors against a conservative, or perceived to be conservative, documentary are so great.

California Political Review: Is the documentary available online?
Ziegler: You can buy the DVD at: howobamagotelected.com. It is the film and the Sarah Palin interview, as well as the Obama voter video that went over 2 million views on YouTube — more than three hours of material. That's the main way of seeing it now.

California Political Review: Will the documentary mean you'll never work in Hollywood again?
Ziegler: I never worked in Hollywood.

California Political Review: You were on KFI weren't you?
Ziegler: Yes. If you can consider that Hollywood. I was a radio talk show host for four years. But I certainly don't think that's Hollywood. No, I will never work in real Hollywood. I never had any interest in that.

California Political Review: But you've obviously had a lot of film experience judging from the results of your work.
Ziegler: I've done one other film, *Blocking the Path to 9/11,* which came out last year. I've put out two films in seven or eight months. But I don't know what I'm going to do next. I don't know what my options are, if I have options. I'm disappointed that the conservative movement has not rallied around this nearly as well as it should have. I'm not sure it's worth doing again.

California Political Review: Why haven't they rallied around?
Ziegler: A lot of reasons. Most people are concerned about themselves. And there's a little bit of a conservative cabal, and if your not in that club ...

California Political Review: Do you mean conservative, or Republican?
Ziegler: I mean conservative. A group of positive people set the agenda in the conservative media. If something is not in their self-interest, they're not go-

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ing to forward it. And they won't let let anyone take over any of that territory. A lot of people have a disincentive for this to gain traction and have compared me to Michael Moore. Frankly, I think I'm a lot more creditable and a lot better than Michael Moore as a film maker. But one thing I've learned is that there'll never be a right-wing Michael Moore — unless the members of the conservative media decide it's in their interest to make one. I don't see that happening.

California Political Review: By conservative media do you mean talk radio?
Ziegler: There's Fox News ....

California Political Review: Is that conservative?
Ziegler: Well, it has Hannity, O'Reilly, and Beck, and they're powerful. O'Reilly and Beck wouldn't call themselves conservative, but they're more conservative than the rest of the news media.

As for talk radio, news and commentary have become a business. People think it's about a cause, but it's not. I'm more a cause guy and the reality is this isn't about a cause. Ninety to ninety-five percent of successful talk radio hosts couldn't care less about the cause; they're only worried about their ratings that day.

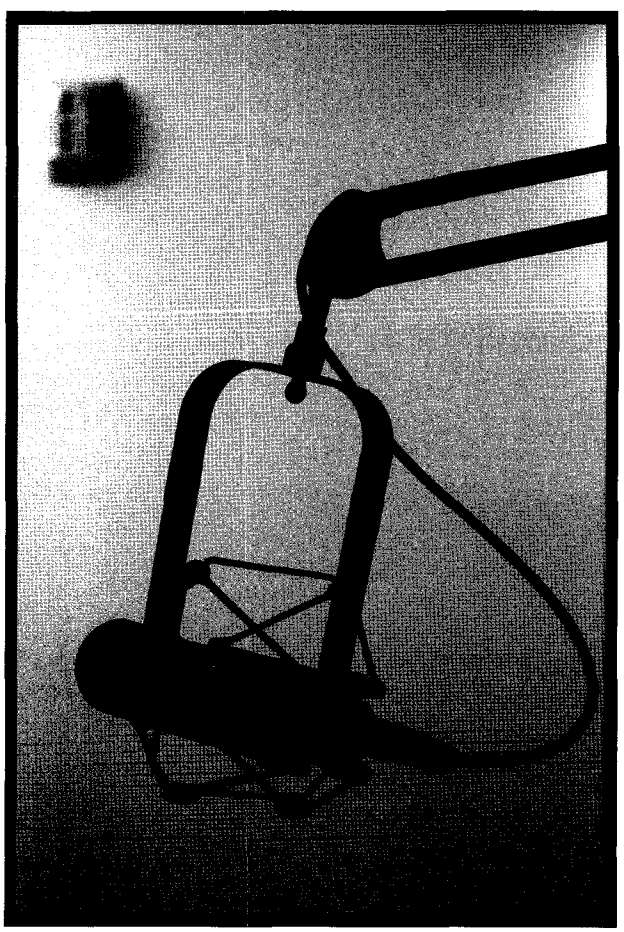
California Political Review: Have you considered running for office?
Ziegler: I can't have a political career. I have a web site entitled "tigerwoodsisgod.com." That pretty much ends it. I would be the easiest candidate to run against in the history of man.

California Political Review: You are developing a fan base.
Ziegler: I appreciate it. I think I get the message across. I think I understand how to work TV as a guest. But it's rare for the major media shows to include an adversarial guest. Their guests almost always agree with their hosts. I'd be surprised if MSNBC had me on again, after I appeared with [MSNBC chief Washington correspondent] Nora O'Donnell and [MSNBC anchorman] David Shuster.

California Political Review: How about ABC's "The View" with Barbara Walters?
Ziegler: Barbara was nice to me after. I did her radio show: a 25-minute interview after "The View." It was hilarious.

She admits that a bunch of things I'm saying are right. She tells me to shush at one point. She acknowledges she mistakenly thought Sarah Palin said she could see Russia from her house. It was amazing that Barbara Walter would think that. I don't anticipate "The View" having me back, but I don't think I did anything to disqualify me.

California Political Review: Was it difficult to arrange an interview with Sarah Palin?
Ziegler: I saw her say on television that she wanted to do everything she could to further the cause of media accountability. I believed she was sincere, so I did everything I could to make sure she received my proposal and she approved it.



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California Political Review: Your documentary includes a powerful segment showing Governor Palin as she watches interviews edited misleadingly to make her look uninformed and naive.

Ziegler: She handled those questions well, and she had no idea we were going to do that. What are the chances Barack Obama would invite someone he's never met or spoken to before into his home and say "Ask me anything you want, no restrictions." Then you show him tapes he's never seen before and ask for a response without a teleprompter. Tell me how long that interview's going to last.

But Sarah Palin enjoyed herself, based on what I could tell. It was tough and I have enormous respect for her.

California Political Review: Do you have a next documentary in mind?

Ziegler: The film has been received well by everyone who's seen it. I read all my email, and I don't remember anyone who's seen the film and said "Wow, that's terrible!" But I don't know that it's a viable format on the conservative side. If it doesn't hit, doesn't break out, with all the pre-publicity we received, then nothing ever will. I would love to do documentaries on a zillion topics. But I don't know that it would be economically viable. I'm not doing this to get rich, but why put in all the work if no one's going to support it?

California Political Review: American voters seem to be increasingly Balkanized in the news and commentary they see and hear. Can these media bubbles be broken?

Ziegler: The only way to change that would be an economic catastrophe that would put all these new media outlets out of business and get us back to the way we were as late as the 1980s — the defragmented media age without all these little slices of media outlets. People like to hear what they want to hear. Liberals gravitate towards CNN; conservatives towards Fox. But the vast majority of the people, who don't give a damn about politics, go to the other 500 channels showing nothing but fluff. I'm more concerned about people avoiding news entirely than about the Balkanization, although that's important. Unfortunately, to survive and prosper as a cable news network requires only a couple million people watching you in any given time. Fox News is raking in money based on that model, but that's one percent of the adult population, or maybe a little more than that. It's not broadcasting anymore, it's narrow casting. Then all the news source cares about is appealing to a particular demographic, even though most people are never exposed to it.

California Political Review: Final comments?

Ziegler: I would like people to go to the Web Site and get the film, "howobamagotelected.com." And then, if they liked it, I hope people will tell a friend about the film.

I hope people see that this isn't about liberal ideology as the nature of our democracy. In 2008, at a critical time in our history, the major media went further than ever in the past in determining who our president would be. It may end up determining what form of government we have, what kind of economy, and the entire future of our nation. This went 'way beyond the normal bias: it was media malpractice, as the film is called. Were this a medical situation there'd have been a lawsuit. If Super Bowel referees were this in the tank for one side, there'd have been riots in the streets and a federal investigation. But it was just accepted.

Also I hope Americans, especially conservatives, take another look at Governor Palin. Even conservatives have bought far too much into the bogus notion that she did a poor job, that she's not qualified or incompetent or not smart. She's incredibly smart, very engaging, charismatic, funny. She's probably not viable in 2012, but long-term she could well be the first female president. Conservatives that bought the media line about her ought to take a second look. They should get the film, watch the entire interview from her living room, and re-evaluate her. CPR

Mr. Ziegler returned to daily talk radio June 8 on Southern California station KGIL (1260 AM in Los Angeles and 540 AM in Orange County/San Diego). His show airs live from 11 am to 1 pm Pacific time. It is streamed live on the Internet and archived at www.1260.am .

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First Things

Invisible heroes

by John Kurzweil

Heroes have become invisible," Professor Allen C. Guelzo of Gettysburg College recently told a Hillsdale College audience. "Their virtues have become unexplainable in the language we now use to explain human actions .... Great deeds somehow keep on being done, but we have lost a capacity to see them as great .... And no history textbook can today pass muster unless it highlights the insignificant, reduces absolutes to local accident, and eliminates grand narratives in favor of a collection of tales, full of sound and fury, whose chief goal is to elicit pity, sympathy, or guilt."

For confirming evidence, contrast the 2001-03 *Lord of the Rings* films with J.R.R. Tolkein's book, specifically as to their portrayals of several of the story's heroic figures: Aragorn, Gandalf, Elrond, Arwen, Treebeard, even Frodo. Left cynicism, painstakingly nurtured for more than half a century throughout our cinematic culture, has finally issued in a crop of filmmakers unwilling, or simply unable, to portray courage, selflessness, rationality overcoming emotionalism in a crisis, or other heroic virtues in the acts of their protagonists, even when all they had to do was follow Tolkein's already written "script."

The mystery is: Why do American audiences suffer this perverse anti-culture to continue in place of Hollywood's great, classic storytelling that provided us for so long so many of the most brilliant films ever made? The answer involves the premise the First Things imply: that "first" principles do, in fact, exist and matter. In no way a universally-accepted proposition, it is found at the root of our culture war.

The answer also involves the peculiar nature and disposition of the war's contending forces, which break down not into two camps, as is usually assumed, but three: conservative, leftist, and liberal. The absolutely opposed forces for and against the First Things are conservatives, who seek to conserve our faith in and reliance upon enduring truth, and the left, which demands that no such independent authority be acknowledged as it might interfere with its own pursuit and exercise of absolute power. These forces contend on the battle line, but in addition, there are the liberals — usually the largest group of all, best defined by their preference for letting others bear the burden of battle while sparing themselves.

Consider an illustrating instance from our history. A few weeks before the American colonies voted for a Declaration of Independence, staunchly pro-independence John Adams found himself fighting not British loyalists, but men of his own camp who nonetheless never seemed able to bring themselves to support decisive action *now,* always counseling delay and further conciliation. Adams, who'd seen "the measure of [British] resolve" at Lexington and Concord, knew half measures could not serve. "The middle way is no way at all," he wrote to General Horatio Gates. "If we finally fail in this great and glorious contest, it will be by bewildering ourselves in groping for the middle way." Adams knew he had two foes: the King and Parliament, determined to subdue colonial freedom, and the temporizers, whose "middle way" would, if followed, eventually tip the scales against freedom. The liberals had to be defeated first, before the battle could be taken to the British.

Liberal temporizing, in the form of a too-often-indulged conservative weakness for fighting our battles "on the cheap," remains our Achilles heel. The left's imbecilic vision survives only because "good men" (in Edmund Burke's phrase) so often prove unwilling to do enough to win decisively, or, indeed, often to do anything at all. But the only way to achive lasting victory for ourselves and our children is to fight constantly and steadfastly for the First Things, accepting nothing short of their full victory. CPR

John Kurzweil is CPR's *editor.*

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